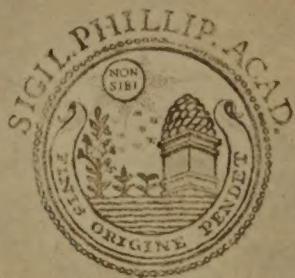
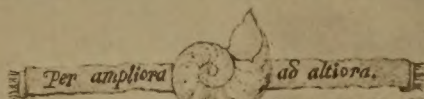


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IN
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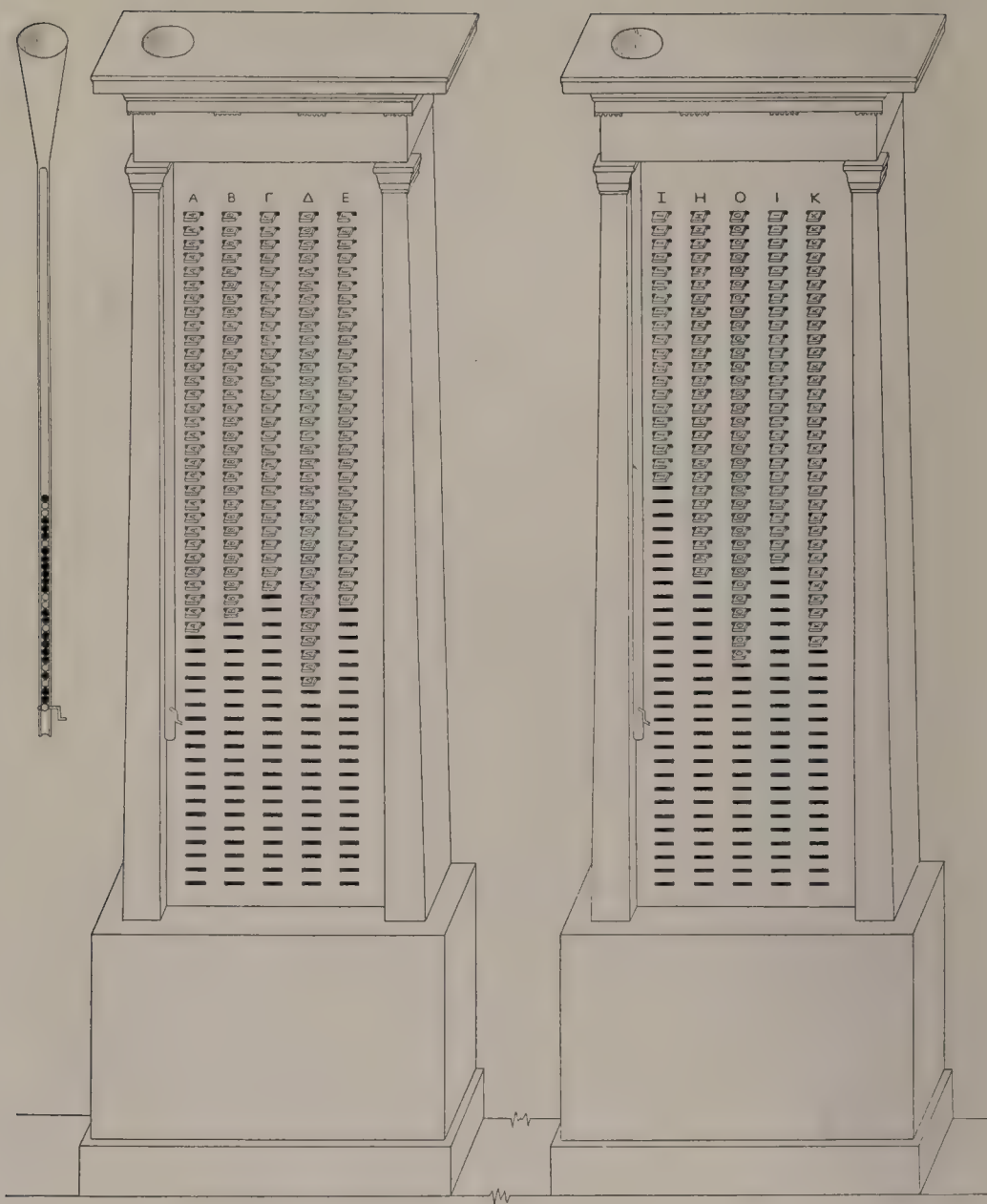
PREFATORY NOTE

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ARISTOTLE, THE KLEROTERIA, AND THE COURTS

BY STERLING DOW

ARISTOTLE reserved for the concluding chapters of his *Constitution of the Athenians* an elaborate account of the procedure of the dikastic courts, which were then at the peak of their long development. Even a superficial reader must feel, as I think he did, that these minutely detailed chapters illustrate more clearly than any others the political genius of the Athenians: their fair and thorough democracy, their passion for logic and also for litigation, their suspicion of human nature, their fascination with luck, and their penchant for intricate machine-like institutions. The first step in the procedure of the dikastic courts was the selection of jurors. Hundreds, sometimes thousands, were chosen anew every day the courts sat. The selection was by lot, and the process of selection was the most important part of the whole procedure. The text of Aristotle's account of the allotment, though full of restorations, has been improved until now it is almost letter-perfect.

The interpretation by modern scholars of that text, and of the

NOTE. For their kind assistance the author wishes to thank Prof. W. S. Ferguson, Prof. T. L. Shear, Prof. H. A. Thompson, Mr. A. W. Parsons, Mr. E. Vanderpool, and Mr. G. F. Swift.

FIGURE. The isometric diagram on the page opposite shows the two kleroteria of some one tribe ready for the archon's allotment of dikasts. At the left of the two kleroteria is shown in section the tube of the left-hand kleroterion before the releasing of the counters; the counters appear to the reader in their "chance" order, which of course is not as yet known to any of the participants. The two kleroteria stood against the wall of the court area, separated from each other by a few meters. In the wall between the kleroteria was the tribe's entrance into the area of the courts (*infra*, Part III). The diagram shows the vertical columns of slots (*κανονίδες*, Part I), into which have been plugged the wooden tickets (*πινάκια*) of dikasts who have presented themselves for allotment on the day in question (Part V). The height of each kleroterion with its base was doubtless about the height of a man; the width, judging by the specimens in *Prytaneis*, Nos. III and IV, was *ca.* 0.60 m. These and the other preserved kleroteria may all be Hellenistic, but the literary evidence leaves no doubt that all the essential details shown in the diagram are correct for Aristotle's time. Certain non-essential details are borrowed from the Hellenistic specimens. Not knowing yet just how cubes can have been used, I have drawn spheres in the tube. The mouldings also might be different in the fourth century.

allotment itself, is less happy. Down to 1937, the opinion was universally held that Aristotle's exposition has ambiguities and omissions serious enough to prevent a clear and full understanding of the process of allotment. Yet these chapters of Aristotle's undeniably have a tone of special clarity and fulness, of being meticulous and authoritative. In 1937 an object was identified which has a certain interest in this connection: the Greek allotment machine (*κληρωτήριον*). The first publication indicated briefly what light the actual kleroterion seemed to throw on Aristotle's account.¹ Further study has tended to confirm and to supplement the first report. In Parts I-III of the present article, I have tried to examine all the evidence thoroughly; in Part IV, to make out the general plan of the courts; in Part V, to get at the essence of the dikastic allotment.

A short summary of the conclusions may be convenient. Two of the preserved allotment machines show that the columns of slots (*κανονίδες*), into which the jurors' tickets were inserted, were in the machines themselves, not in alleged "allotment rooms" (Part I, p. 3). All the literary and epigraphical occurrences of the word are reviewed: *κληρωτήριον* (*κληρωτήρις*, *κληρωτικόν*) never means anything but "allotment machine," except in two erring lexicographers (Part II, p. 8). Contrary to present opinion, the allotment for the courts did not take place in rooms, but outside the several entrances to the court-complex (Part III, p. 15). The plan of the whole court-complex (*heliaia*) is thus reduced and simplified; a crucial word is restored in the text of the *Ath. Pol.*; the *κυγκλίδες* and *δρύφακτοι* are located (Part IV, p. 18). The hitherto unanswered question, Why did each tribe have *two* allotment machines? bears directly on the fundamental ideals and the practical exigencies of the dikastic allotments: to answer it, I have tried to visualize in precise detail the whole business of allotting (Part V, p. 23 — this Part is meant to be intelligible if read separately —; principal conclusions, p. 34). The effect of the study as a whole is completely to vindicate Aristotle.

¹ S. Dow, *Prytaneis* (*Hesperia*, Supplement I, Athens, 1937), pp. 198-215, with photographs; summary by G. Klaffenbach, *Die Antike*, 14 (1938), 353-355. A summary will also appear in Pauly-Wissowa-Kroll, *Realencyclopaedie*, Supplement-band VII, s.v. *Kleroterion*.— Fragments of three more kleroteria, discovered since 1937, do not alter the account.

PART I

THE GREEK ALLOTMENT MACHINE

Accepting views universally held, the new Liddell-Scott-Jones *Lexicon* gives three divergent meanings for the word κληρωτήριον. The first of these meanings, *urn for casting lots or votes*, was illustrated recently by the above-mentioned identification of fourteen actual kleroteria preserved in Athens. Three had been excavated 75 years ago; one had lain on the Acropolis unrecorded until the inscription was partially copied in 1921; ten are from the current Agora Excavations. The identification is positive. That the kleroteria were used for performing allotments, not for voting, is beyond doubt; but instead of being urns, the objects (Figure, facing p. 1) are marble stelae. Trimmed to form *aediculae* somewhat like Athenian grave monuments, the kleroteria also bear slots, arranged in columns on the face proper of the stelae. The use of the slots, and in general the operation of the kleroteria, have been, I think, clearly made out. But although the object itself is understood, concerning the precise uses of the word κληρωτήριον the facts have yet to be established.

The modern instrument for allotment naturally consists of a device for mixing numbered counters so thoroughly that when the counters are drawn out mechanically, or by a blind-fold attendant, the order will be determined by "chance" alone — that is, no one will be able to determine in advance which counter will be drawn first, which second, and so on, down to the last. The modern κληρωτήριον is a device for mixing counters, and nothing more.

Prior to 1937, it had been generally supposed that the ancient allotment machine was equally limited in function.¹ If the word κληρωτήριον seemed to imply something more, or something different, then it was almost universally supposed that in such uses the word had a second

¹ The translation for this sense of the word was regularly "ballot box," "balloting urn," *urne*, *Losungsurne*, *urna in qua sortes conjiciuntur*.

On certain preserved leaden counters, thought to be σύμβολα used in the dikastic courts, a wide-mouthed, round-bodied vase or urn is depicted (Arist., *Ath. Pol.*, Sandys ed. 2, frontispiece, Figure 5, and p. 255). This vase was taken to represent a *Losurue* (Hommel, *Heliaia*, p. 69).

meaning, namely "place where allotments were carried out," that is, "allotment room."¹ Aristotle says that each tribe had two kleroteria, "in" each of which were bars or rows of some sort called κανονίδες. Each tribe, then, would have two allotment rooms which contained κανονίδες and other equipment, as well as space where some 300 tribesmen could assemble for the allotments. This theory was first carried out in detail by H. Hommel in his study *Heliaia*.² The interior appointments of τὰ δύο κληρωτήρια, as suggested by his diagram (p. 141), permit a neat arrangement of the κανονίδες, urns, chests, allotment machines (also called κληρωτήρια), and officials; there is scant room, however, for 600 men.

There were some grounds for the theory. It was difficult to imagine κανονίδες in anything like a modern allotment machine. Further, no one doubted that there ought to be halls of some sort in which the allotments took place; if so, Aristotle would mention them; hence they would have to be the kleroteria. The ending -τήριον can of course denote place as well as instrument, and in fact two lexicographers (*infra*, p. 12) plainly stated that κληρωτήριον meant a place.

Now the kleroteria actually surviving have only two functional parts, and in each part they have little resemblance to modern allotment machines. The ancient machines comprise no effective mechanism for mixing the counters, but only a simple tube for drawing them out one at a time.³ Of interest for our present purpose is a second unexpected feature of the ancient kleroteria, namely the slots, arranged in vertical columns, cut into the face of the stele. These columns of slots, which are actually more prominent in the kleroteria than the allotment devices, vary in number: preserved examples show 1, 2, 5, [6], 11, and [12] columns. The number of slots cannot be fixed except in a few instances: one practically complete machine has only 12 slots (all in a single column); some if not most of the others seem to

¹ Or even, in a quite unlikely derivative sense, "public list (as of citizens) from which allotments are made." On this alleged meaning, see *infra*, p. 13. There is no authority for Kahrstedt's interpretation in *Untersuchungen zur Magistratur*, p. 26.

² *Heliaia: Untersuchungen zur Verfassung und Prozessordnung des athenischen Volksgerichts, insbesondere zum Schlussteil der 'Αθηναίων Πολιτεία des Aristoteles* (*Philologus*, Supplementband XIX, Heft II, Leipzig, 1927).

³ *Prytaneis*, p. 202; *infra*, pp. 7, 29.

have had as many as 50 slots in each column.¹ For an understanding of Aristotle, Nos. III and IV (*op. cit.*, pp. 204–205) are of special interest. Each is inscribed: [one line missing] | ταμειόντος ἐπὶ τὰ πρυτανεῖα | “Ἀβρωνος τοῦ Καλλίου Βατῆθεν. The πρυτανεῖα were the deposits made with the state prior to lawsuits (*op. cit.*, p. 212, n. 3), so that these allotment machines are certainly to be connected with the law courts. Each of these two machines has five columns of slots. The number of slots to a column cannot be computed exactly; but the two fragments of No. IV, as is shown by the taper of the stele, must be separated *at least* far enough to allow 20 slots to a column, and the correct relative positions of the fragments seem to necessitate at least 22.² These are the minimal figures; the actual number of slots to a column may well have been as many as 60, or 300 in each machine.

Aristotle (64.2) tells us εἰσὶ δὲ κανονίδες [πέντε ἐ]ν ἑκάστῳ τῶν κληρωτηρίων.³ The dikasts of each tribe were divided into ten sections; each tribe had two kleroteria, and each kleroterion served for five sections. An ἐμπήκτης was chosen by lot from each section, and he plugged the πινάκια of his section into one of the κανονίδες. Before the identification of the kleroterion, the κανονίδες were taken to be frames or bars of some sort,⁴ five such separate frames or bars being mounted in each “allotment room” (κληρωτήριον). On this hypothesis, one of two methods of choosing jurors can have been followed: (1) the first κύβος drawn can have been taken to decide for the first five πινάκια in the first κανονίς (if the κύβος was white, they were all to serve; if black, not); the second κύβος would decide for the second

¹ Thus No. VI (*op. cit.*, p. 206) is proved to have been tall enough to have had at least 50 slots to a column.

² As shown in the photograph, *op. cit.*, p. 205, where the camera has distorted the perspective somewhat.

³ The restoration of πέντε is from 64.3, which says that each κύβος drawn by the archon from the kleroterion decided whether five dikasts, whose πινάκια were presumably juxtaposed in the κανονίδες, were or were not to serve in the juries on the day in question.

For the text of the *Ath. Pol.*, I have used (Blass-Thalheim-)H. Oppermann (Leipzig, Teubner, 1928).

⁴ The translation was “bar,” *tableau à rainures*, Stange. Sandys, in his ed. 2 of *Arist., Ath. Pol.*, p. 252, says the κανονίς was “probably a wooden frame fitted with a number of ‘straight rules’ or parallel ledges (κανόνες) stretching horizontally across it” with grooves on the upper surface of each ledge to receive the πινάκια.

five *πινάκια* in the same *κανονίς*; and so on. Thus it might happen that 30 or 40 of one section of the dikasts would be chosen, of another only 5 or 10; in any case the chances that equal numbers from each section would be chosen would be very small indeed. This procedure, however, would be the most expeditious if the five *κανονίδες* were all separate. The alternate procedure (2) would be to let the first *κύβος* drawn settle for the first *πινάκιον* in each of the five *κανονίδες*, the second *κύβος* for the second *πινάκιον* in each of the five *κανονίδες*, and so on. In this way the five sections for which any given kleroterion served would be equally represented in the day's courts. It would be somewhat awkward, however, to follow this procedure if the *κανονίδες* were all separated; also, the chances for malpractice would be increased.¹

For a choice between procedures (1) and (2), we may turn to the preserved machines, Nos. III and IV, each of which had five parallel vertical columns of slots. If these columns of slots can be equated with Aristotle's *κανονίδες*, the problem is solved in favor of procedure (2); but Nos. III and IV are *ca.* 180 years later than Aristotle, and the long interval of time gives pause, especially if *κανονίς* may not properly be applied to a *vertical* column of slots.

In *Prytaneis*, p. 214, I conceded to previous translators of Aristotle, whose rendering is adopted by Liddell-Scott-Jones, that *κανονίς* ought to mean "horizontal bar." In other places the word occurs only seven times; in three of these it seems certainly to denote horizontal objects. If, however, in the very period when the *Ath. Pol.* was written, *κανονίς* could mean "door-frame" (*IG*, II² 1672, line 155, of 329/8 B.C.), then horizontality is not necessarily implied in every use of the word. In fact the word could denote a straight-edged "ruler"² — i.e., it implied nothing as to verticality or horizontality.

Another consideration, unknown until the word *κληρωτικόν* was

¹ Among modern scholars, procedure (2) has been supposed to have been followed, but the actual process could not be proved or visualized, although clearly the subdivision of each tribe into ten *μέρη* points to an equal representation of all the 100 *μέρη* in the courts as a whole on any given day.

² *Anth. Pal.*, VI 62: the meaning has been considered dubious, although Suidas supports it. Apparently lexicographers have not noticed that in the very next poem, *Anth. Pal.*, VI 63, the word *κανών*, occurring in a precisely similar context, where it certainly means "ruler," is an exact synonym.

investigated, may now be brought forward. The riddle from Euboulos (*infra*, pp. 10–12) speaks of the allotment machine as being “bored sharply through from top to bottom.” From this it seems clear that in Aristotle’s day and before, the κύβοι were poured down a tube of some sort, as in the preserved machines. The tube being used thus early, we gain a clue to the shape of the machines mentioned by Aristotle. In allotting jurors according to his system, the tube must be long enough to contain one κύβος for each five dikasts, which may mean as many as 60 or more κύβοι. Hence the tube must have been lengthy, as it certainly was in some large kleroteria.¹ If then the κανονίδες were horizontal, the machine would have been poorly designed. One part would consist of a frame holding five horizontal rows of slots, each row capable of holding some 60 tickets. The frame would have to be some two meters in length, but its height might be less than one quarter of a meter — except for the tube, which would need to be about one meter tall. A long horizontal beam of wood or stone with a meter of tubing hanging from it would look ridiculous. Obviously, therefore, any machine with a tube will naturally have vertical κανονίδες, precisely as in the machines actually surviving.

In other words, there is no reason to suppose that the kleroteria known to Aristotle differed essentially from those now recovered. The dimensions of the slots are correct to allow πινάκια of the size used before Aristotle’s time to be plugged in.² The essential fact is that the slots are arranged in even rows horizontally (as well as vertically). If the slots did not form even horizontal rows, the argument from them would have no force, but since the slots do form even horizontal rows, the stones themselves suggest that the objects inserted into the slots were to be dealt with five at a time. Each

¹ E.g., *Prytaneis*, p. 208, No. X.

² A *pinakion* recently published is typical: length, 0.118 m.; width, 0.021 m.; thickness, 0.002 m. (Vanderpool, *Am. Journ. Archaeol.*, XXXVI [1932], 293–294). The slots average in width 0.03 m.; in height, 0.006 m.; in depth, 0.02 m.

There are only two other occurrences of ἐμπήκτης. *Et. Mag. s.v.* has simply ὁ θεσμοθέτης. Hesychius *s.v.* is confused: ὁ τὰ δικαστικά γραμματίδια παρὰ τοῦ θεσμοφόρου λαμβάνων ὑπηρετής, καὶ πῆσσω εἰς τὴν κανονίδα. For the curious mistranslation of ἐμπήκτης as “ticket hanger,” and of ἐμπήγνυσι as “hangs,” see *Prytaneis*, p. 214. The new (LSJ) *Greek Lexicon* still gives “one who sticks up judicial notices.” The slots in the actual machines are precisely what the Greek words connote.

ἐμπήκτης, then, inserts the *πινάκια* of his section into the vertical column, which we may now call the *κανονίς*, assigned to that section, filling the slots probably from the top down. The first *κύβος* drawn by the archon, according to the proper procedure (2), settles for the (five) *πινάκια* in the first horizontal row of slots, the second *κύβος* for the second horizontal row, and so on.

In short, kleroteria Nos. III and IV have shown that the requirements of the text of Aristotle with respect to *κανονίδες* can be satisfied by two existing kleroteria bearing inscriptions connecting those kleroteria with the law courts. If, moreover, kleroteria Nos. III and IV do represent the arrangement of slots in the earlier kleroteria, then we learn from them a refinement of procedure not told us by Aristotle, but wholly in accord with all he does tell us: namely that each section (*μέρος*) of jurors within each group of five sections had exactly as many dikasts in the courts as every other section in that group. The chances of "packing" a court were thus reduced by just so much.¹

In the face of all this, it would seem unreasonable to speak any longer of separate frames or bars mounted in "allotment rooms." The identification of kleroteria Nos. III and IV has shown, by the forms of the stones themselves, that Aristotle in *Ath. Pol.*, 64.2-3 is speaking of machines, not of rooms. The kleroteria known to him doubtless resembled closely our Nos. III and IV.

PART II

Κληρωτήριοιον IN LITERATURE AND INSCRIPTIONS

Aristotle uses the word *κληρωτήριοιον* five times:

1. εἰσιν - - - κλη[ρωτήρι]α εἴκοσι, δ[ύο τ]ῇ φυλῇ ἐκάστῃ (*Ath. Pol.*, 63.2).
- 2, 3. εἰσὶ δὲ κανονίδες [πέντε ἐ]ν ἐκάστῳ τῶν κληρωτηρίων. ὅ[ταν δὲ] ἐμβάλλῃ τοὺς κύβους, ὁ ἄρχων τὴν φυλὴν κληρ[οῖ κατὰ κ]ληρωτήριοιον (64.2-3).

¹ This may seem an idle refinement, in view of all the other precautions against packing courts; but it is thoroughly Athenian in spirit, and the danger of having blocs of dikasts in the courts, especially if the issue was close, may have been very

4, 5. τίθεται ἐν τῷ πρώτῳ [τ]ῶν δικαστηρ[ι]ῶν β' κληρωτήρια, καὶ κύβοι χαλκοῖ, ἐν οἷς ἐπιγέγραπται τὰ χ[ρ]ώματα τῶν [δι]κ[ασ]τηριῶν, καὶ ἕτεροι κύ[βο]ι, ἐν οἷς ἐσ[τι]ν τῶν ἀρχῶν τὰ [δ]ν[ό]μ[α]τα ἐπιγε[γ]ραμμένα. λαχόντες [δὲ] τῶν θεσ[μ]οθετῶν δύο χωρὶς ἑκατέρων τοὺς κύ[βο]υς ἐμ[βα]λλουσιν, ὁ μὲν τὰ χρώματα εἰς τ[ὸ] ἐν κληρωτήριον, ὁ δὲ τῶν ἀρχῶν τὰ ὀν[ό]ματα εἰς τ[ὸ] ἔτ[ερ]ον (66.1).

In Passages (4) and (5), κληρωτήριον has never been, and cannot be, taken to mean "room." We have seen that certain existing machines fit the requirements of (2), as well as of Athenian constitutional principles, so well that the meaning "rooms," which this passage has almost universally been taken to authenticate, must be abandoned. As to (1) and (3), there are serious arguments, deriving from the text of Aristotle by itself, which tend to prove that the meaning "rooms" should never have been considered. These arguments, four in number, together with a fifth from another source, are as follows. (I) The text of Aristotle, if κληρωτήριον were ambiguous, would confuse any Greek reader not already familiar with the *Heliaia*. (II) According to the established, and erroneous, view of ante-1937, Aristotle, who in 63.2 is obviously enumerating the important articles of equipment, omits to state that there was a κληρωτήριον (machine) in each κληρωτήριον (room); i.e., he fails to mention the largest article of all, which first appears in 66.1 without any previous notice. This assumption is quite unnecessary. (III) His references, if interpreted as meaning "allotment rooms," are peculiar. He mentions that (63.2) εἰσοδοὶ δὲ εἰσιν εἰς [τὰ] δικαστ[ή]ρια δέκα, μία τῇ φυλῇ ἐκάστη, καὶ κληρωτήρια εἴκοσι, δύο τῇ φυλῇ ἐκάστη. What he really meant to say, according to Hommel's theory, is that "there are 10 entrances into 20 allotment rooms, the rooms being grouped in pairs, each member of each pair sharing with the other member of the same pair a common ante-room, which is entered by one of the aforesaid entrances." (IV) The account of the actual process of allotment, as I shall show *infra*, pp. 16-18,

real. — Sandys (ed. 2, p. 249) suggests that dikasts from each tribe were supposed to sit together in adjacent seats in the courts; doubtless they may have, and they may have cheered, booed, and voted together; but that could not be helped, and certainly it is unlikely that they or any other blocs were encouraged. The system was designed to prevent such blocs as far as possible.

can be understood exactly as Aristotle has written it only if we drop all consideration of "rooms." And further, if we consider the evidence of excavations, (V) it may be doubted whether there was space in the Agora for a series of 20 rooms, each capable (with 10 ante-rooms) of holding some 300 persons in addition to a great or small open yard,¹ and the dikasteria themselves. No trace of any such series of 20 rooms, with or without the 10 ante-rooms, has been found at this writing, though to be sure no dikasterion has yet been identified.

The word κληρωτήριον can therefore mean nothing but "allotment machine" in Aristotle. In other ancient authors there are several interesting occurrences of the word. In Aristophanes, *Eccl.*, 681-683, it is a question of bringing kleroteria to the Agora, and of setting them up.² Here the word has been translated (Rogers) "balloting booths," as though some sort of small portable room were meant. The notion of allotment in a small room, out of sight of most of the participants, is contrary to the way the Athenians did things. Plainly as early as the *Ekklesiastousai* (ca. 393 B.C.), the use of a group of portable allotment machines was thoroughly familiar in Athens.³

Similarly there need be no doubt about the meaning in a fragment of Euboulos,⁴ where two characters exclaim over "the things for sale together at Athens in one and the same place," one character mentioning groceries — figs, grapes, turnips, etc., — the other character interjecting (I preserve the order) "summoners," "witnesses," "law-suits" (a natural sequence; then), "kleroteria," "klepsydrai" (note the association; finally), "nomoi," "graphai" (which also belong together). Obviously allotment machines, like groceries and the other things named, could all be bought, sold, and moved about in a way that would be impossible for entire rooms. The order also shows that kleroteria were objects, in a class with water-clocks.

It will be convenient to insert here a riddle, also from Euboulos, and also preserved in Athenaeus:⁵

¹ There was some sort of open area before the courts themselves; Hommel, *Heliaia*, p. 140, abb. 1, makes it much too large. ² *Prytaneis*, p. 215.

³ Aristophanes used the word in his *Geras* also, where it was ambiguous to Pollux (see *infra*).

⁴ From the *Olbia*, preserved in Athenaeus, XIV, 640 B, C (= Kock, *CAF*, 74).

⁵ I give the latest text, that of Gulick (Loeb Classical Library, Cambridge,

ἔστιν ἄγαλμα βεβηκὸς ἄνω, τὰ κάτω δὲ κεχηνός,
 εἰς πόδας ἐκ κεφαλῆς τετρημένον ὃξὺ διαπρό,
 ἀνθρώπους τίκτον κατὰ τὴν πυγὴν ἔν' ἕκαστον,
 ὧν οἱ μὲν μοίρας ἔλαχον βίου, οἱ δὲ πλανῶνται,
 αὐτὸς ἕκαστος ἔχων θάυτοῦ, καλέων δὲ φυλάττειν.

ταῦτα δ' ὅτι κληρωτικὸν σημαίνει ὑμεῖς διακρίνατε, ἵνα μὴ πάντα παρὰ τοῦ Εὐβούλου λαμβάνωμεν.

This riddle, which hitherto could not be explained, needs to be examined in terms of the existing allotment machines; κληρωτικὸν is obviously a variant for τὸ κληρωτήριον. The term ἄγαλμα, in a vague sense, applies. The object stands high up — high enough so that many men, crowding around, could watch all the operations. It is pierced from top to bottom by a hole from which counters of some sort dropped. On the other hand, Athenaeus gives only a part of what Euboulos said, and the six existing machines with which definite dates are associated belong two centuries after the comedian's epoch. Thus it is impossible to say whether the machines known to Euboulos were actually "bored sharply clear through from head to foot" or whether, taking him less strictly, we should infer that they resembled the preserved machines, in which the hole from top to bottom was bored through part of the stone but was mostly a metal tube. Again, following the text closely, we should naturally suppose that the counters were inscribed with the names of the dikasts, which were drawn one by one; there is no mention, in what Athenaeus gives us, of κανονίδες and slots, and of ἐμπῆκται. There is no way of knowing how literally the riddle should be interpreted. The process of allotment in the time of Euboulos (ca. 378/7-? B.C.) may have been different from what it was in the time of Aristotle's *Ath. Pol.* (ca. 328-325). In the riddle itself there is one further clause which may be helpful: the rejected dikasts wander off, αὐτὸς ἕκαστος ἔχων θάυτοῦ. The explanation of this can hardly be doubtful. Nothing was so closely identified with a dikast as his juror's ticket, his πινάκιον which bore his name, patronymic, and demotic, the letter of his dikastic section, and two or three seals; dikasts' tickets have been found buried with their owners.

Mass.; Athenaeus, vol. IV [1930], bk. X, 450 b), which makes sense throughout, as will appear. The one unsolved problem, φυλάττειν, is not textual.

After the allotment, in Aristotle's day, the rejected dikasts went away carrying their tickets. Hence it seems likely that in the time of Euboulos also the *πινάκια* were somehow used in the allotment. They would not pass through the tube, which clogged at times with the dice themselves (*infra*, p. 14). It may well be, then, that slots, etc., were used, though Euboulos could not work them into his riddle — at least, not into the part we have.

One further detail requires at least an attempt at explanation. Why did the still-born infants (= rejected jurors), when they wandered, call "Beware"? The explanation should recognize the dual aspect of the riddle. First as to the still-born infants: presumably they are ghosts — for which the expression *πλανῶνται* is appropriate. Deprived of the right to live, they may be thought of as murdered, thirsting for revenge, and hence calling out threateningly to beware. As to the rejected jurors, they too in their disappointment would be in an ill temper. Whether or not this explains *φυλάττειν*, it seems altogether likely that when jurors were rejected, they uttered some commonplace expression of disgust.

After due allowance is made for the fact that it is a riddle, and only partially preserved, the passage from Euboulos must be admitted as the most helpful literary reference next to Aristotle's. The mentions in Aristotle, *ca.* 50 years later, and the preserved *kleroteria*, some of them dated *ca.* 200 years later, are fully compatible with the theory that the essential elements of dikastic allotment and of the *kleroteria* themselves had not changed since the days of Euboulos.

Other literary references are more straightforward but less useful. The choice between the two meanings (machine, room), is not clear in Plutarch *Moralia*, II, 793d, ἡ πρὸς πᾶν μὲν ἀεὶ κληρωτήριον ἀπαντῶσα φιλαρχία. The comment of Phrynichos, *κληρωτήρια· ἐνθα κληροῦνται οἱ δικασταί* (Bekker, *Anecdota*, 47, 13) was written in the time when Pollux also was wrong or uncertain as to the correct meaning. The sources of modern errors are this passage in Phrynichos, and Pollux (IX 44), *λογιστήριον*, ἵνα [οἱ] *λογισταὶ συνεκάθιζον, κληρωτήριον, ἵνα οἱ κληρωταί*. Where verbal forms did not mislead him, Pollux could be correct. He has two lists of *σκεύη δικαστικά*, the shorter of which (VIII 16) omits *κληρωτήριον*, whereas the other (X 61) includes it at the end. The latter begins with five items, then adds οὕτω γὰρ τὰ

Ἀττικά, and concludes with eight more, of which the last reads: καὶ κληρωτήριον· εἰ γὰρ καὶ ἐπὶ τοῦ τόπου ἔοικεν εἰρῆσθαι τοῦνομα ἐν τῷ Γήρῳ Ἀριστοφάνους, ἀλλὰ καὶ ἐπὶ τοῦ ἀγγείου ἂν ἐναρμόσειεν. (The use of τόπος is to be remarked, since it is hardly the natural word to indicate a room.) All of the objects in the two lists are portable articles, and the lists as a whole reveal some knowledge of the courts.

The most notable fact in Pollux is his belief that kleroteria had been used only in Athens. The word occurs twice in inscriptions outside Athens.¹ In the famous Marmor Oxoniensis, Dittenberger, *OGIS*, 229, line 53, it is prescribed that the ἐξετασταί of Smyrna (= λογισταί in Athens?) are to allot to the *phylai* (of Smyrna) all the names (of the Magnesians) which have been submitted (for citizenship in Smyrna), and are to inscribe them on the κληρωτήρια; those who are thus inscribed are to have all the privileges of the other citizens. The meaning of κληρωτήρια is obviously not *laterculi civitatum* (as given in *OGIS*, commentary *ad loc.*), but "allotment machines." A permanent record is to be made on the machines themselves (which presumably were of stone) of the newly admitted citizens. That there existed a list of all the citizens of Smyrna in *ca.* 243 B.C. inscribed on stone is highly unlikely. Such a record would require a large area of stone; it would also require constant revision, the addition of those who came of age or otherwise became citizens, and the subtraction, by a symbol or by erasure, of those who died or otherwise ceased to be citizens. Hence such lists would ordinarily be kept on cheaper, perishable material. The reason for inscribing on stone the names of the new citizens from Magnesia was to form a permanent authoritative record of their names under the headings of the tribes to which they had just been allotted; perhaps each tribe had its own kleroterion, as in Athens. There would be no erasure, e.g. of those who died subsequently, nor any addition, e.g. of their sons as the latter came of age; for the record of the originally admitted Magnesians would serve to authenticate the citizenship and tribal affiliations of their children.

This one inscription is sufficient to establish the fact that allotment machines were used outside Athens; machines of stone, capable, like

¹ In Athenian inscriptions the word appears only in *Prytaneis*, Nos. 79 and 80, decrees which were each to be inscribed εἰς κληρωτήριον λίθινον.

Prytaneis, Nos. VI and VII, of receiving extensive inscriptions. At this writing, however, no actual kleroterion outside Athens has as yet been identified; and the second reference in an inscription cannot be held positively to substantiate the view that the Greeks generally made extensive use of them.

A lengthy inscription from Cyrene bears a set of Roman decrees dated in 7/6 B.C. The text, published by G. Oliverio, in *Notiziario Archeologico*, IV (1927), p. 20, at lines 24-27, dealing with the selection of judges, reads σηκωθεισῶν τῶν | σφαιρῶν καὶ ἐπιγραφέντων αὐταῖς τῶν ὀνομάτων, ἐγ μὲν τοῦ ἐτέρου κλη|ρωτηρίου τὰ τῶν Ῥωμαίων ὀνόματα, ἐγ δὲ τοῦ ἐτέρου τὰ τῶν Ἑλλήνων κληρο[ύ]σθω. The use of kleroteria, which are clearly similar to those published in *Prytaneis*, since they use balls, not cubes, is notable; but the passage from Ausonius quoted by Oliverio shows that the Romans also used allotment machines. Hence nothing can safely be inferred as to Greek procedure. Hesychius seems to have understood that the word meant machine, since he writes κήτιον· μέγαν καὶ ᾧ τὰς ψήφους διωθοῦσιν ἐν τοῖς κληρωτήριοις. καὶ ἐμετήριον ἀπὸ λαχάνου ἀγρίου, ὅπερ ἀντὶ πτερῶν καθίεσαν εἰς τὸ στόμα, κτλ. In place of ψήφους, the technical word should be κύβους (Aristotle, *Ath. Pol.*, 64.11; 65.2, 5), or later perhaps σφαίρας, as in the inscription from Cyrene. If the counters were cubes, which would clog in the machine, the κήτιον would doubtless be needed frequently, but even spheres might need to be prodded. The κήτιον itself was probably a thin metal rod with some sort of hook on the end.

This exhausts the literary and epigraphical references to κληρωτήριον. The conclusion is that the word always means "allotment machine," except in misinformed later writers.

The same is true of the variant form κληρωτρίς, which appears in Schol. Aristophanes, *Vespa*, 674, κηθάριον γὰρ πλέγμα ἐστὶ κανισκῶδες, ἐπιτιθέμενον τῇ κληρωτρίδι τῶν ψήφων, κτλ., where it is clear that articles of equipment for dikasteria are being discussed. The κηθάριον was evidently a shallow wicker basket. The scholium to line 752 reads, τοῦ κήρυκος τὴν κληρωτρίδα προσφέροντος, ἔβαλον τὰς ψήφους. According to the scholiast(s), therefore, the κληρωτρίς was the receptacle in which the dikasts deposited their ψήφοι in voting. The usual term for this receptacle, however, was καδίσκος (Aristoph. *Vesp.* 853; Lys. 13, 37; Lycurg. 149). The scholiast on line 674 offers an alter-

native explanation of κηθάριον: ἡ κηθάρια τὰ ὀξύβαφα, ἐξ ὧν τοὺς κύβους ἡφίεσαν. πλεκτὰ δὲ ἦν ταῦτα. If this suggestion is correct, the κηθάριον would be used to hold the dice, not in the dikasteria (where dice were not used), but in the allotment of dikasts. The dice would be poured from the κηθάριον into the κληρωτρίς, which would then be merely an alternate term for κληρωτήριον, as the word itself suggests.

PART III

THE SUPPOSED "ALLOTMENT ROOMS"

The plan of the complex of dikasteria, called the *heliaia*, has hitherto been universally understood to contain a series of "allotment rooms." The finding that the meaning of κληρωτήριον is properly "allotment machine" provides a different clue to the plan. Conceivably, however, there were allotment rooms (whatever their designation), rooms which Aristotle simply did not mention — after all, we are told very little of the plans of the dikasteria themselves. The possibility cannot yet be dismissed, despite what has been stated above, that the lexicographers were right, that there were in fact allotment rooms, and that these rooms were designated as κληρωτήρια.

The process of allotting dikasts was elaborate and lengthy. It is natural to suppose that during the allotment, the thousands of dikasts were not forced to remain in the open air, exposed to the elements, without seats and hence in disorder. Modern Athenian topographers, reasonably enough, accepting the statement of the lexicographers, regularly mention allotment rooms, locating them vaguely in the Agora.¹ The most recent study of the Heliaia, that of Hommel (*supra*, p. 4, n. 2), has carried out the implications of the meaning "allotment room" in minute detail; and his scheme might be correct in general even though the translation of κληρωτήριον is wrong. Thus when Aristotle says that each tribe had two kleroteria, conceivably

¹ Judeich mentions *die Losungshallen der Geschworenen* as equivalent to *das Kleroterion*, and places them somewhere in the Agora (*Topographie von Athen*, ed. 2, p. 347). References to the (similar) views of Koehler and Wachsmuth, *ibid.*, p. 347, n. 1. In connection with the Heliaia, Judeich (p. 354) omits mention of *das Kleroterion*.

he may *imply* that the allotment for each tribe was carried out in two different rooms, rooms which the reader ought naturally to assume without specific mention. These rooms would contain the equipment (machines, urns, chests) mentioned by Aristotle, as well as space for the officials, servants, and at least 250 tribesmen. Since there were ten tribes, the theory requires twenty rooms used for allotments. Aristotle says that there was one entrance (εἴσοδος) for each tribe; hence the theory demands that each pair of rooms must have had an ante-room, entered by the εἴσοδος, and giving access by two other openings (omitted by Aristotle, like the ante-rooms themselves) to the two "allotment rooms." In short, if the theory as a whole were correct, we should have to find, in addition to the area required for the court-rooms themselves, space in the Agora for a complex of thirty large rooms, capable of holding in all some 6000 citizens.

Aristotle's account begins (63.2) εἴσοδοι δὲ εἰσιν εἰς [τὰ] δικάστ[ή]ρια δέκα. There are ten entrances to the courts: i.e., Aristotle writes as if the εἴσοδοι give immediate access, without intermediate buildings, to the courts. Actually the chosen dikasts, after passing through the tribal entrances, had to traverse *some* sort of open space (which Aristotle does not mention),¹ and then had to be admitted to the actual court-rooms (65.2). Hence in 63.2 the exposition is compressed. It might be argued therefore that Aristotle omits mention also of allotment rooms.

Aristotle next enumerates the various articles of equipment for sortition: 20 kleroteria, 100 chests; other chests² to receive the tickets of the dikasts chosen; and two *hydriai*. Further, he goes on, staves, equal in number to the jurors required, are placed κατὰ τὴν ε[^{ca.} 5-6] ἐκάστην. The staves are to be given to the successful dikasts as they pass into the area between the entrances and the doors of the court-rooms themselves. The lacuna could be filled, as by Hommel, *op. cit.*, pp. 12 and 55-57, ἐ[ξοδον], and that restoration is correct, *if* there were allotment rooms. Otherwise, by keeping the former restoration ε[ἴσοδον], we should have a significant fact: the

¹ Hommel, *op. cit.*, p. 57, has conceived and proved for the first time the existence of this open area.

² Number not specified, because it would vary, depending on how many courts were to be filled.

staves, placed next each *entrance*, as Aristotle carefully specifies — the other equipment being placed, by inference, not immediately adjacent to the entrances, but near them — the staves are to be passed out before the dikasts enter the (first and only) *εἴσοδος*: there is no other barrier before the door of the court-room itself is reached. This interpretation, of course, has yet to be proved.

The next significant clause is in 64.1: τὰ δὲ [κιβώ]τια τὰ δέ[κ]α κ[εῖ]ται ἐν τ[ῷ] ἔμ[μ]προσθεν [τ]ῆς εἰσόδου [κ]αθ' ἐκάστην τὴν φυλὴν. The ten chests, one gathers, are placed squarely in front of the entrance. Now Hommel is obliged to place them five on each side of the entrance; that is, he is obliged to take Aristotle loosely at this point, since as many as 600 jurors may have to pass through the entrance before the allotting begins, and a row of 10 chests literally in front of the entrance would be inconvenient. If, however, we respect the text, we can conceive the chests being placed a few paces directly in front of the entrance; once the tickets from the chests begin to be inserted in the kleroteria, one of which presumably stood somewhere on either side of the entrance, the chests themselves can be removed, and free access will be given to the entrance. In other words, if the allotment is performed wholly outside the entrance, the chests will be out of the way before anyone is admitted at the entrance. This then is a useful detail to have settled, but by itself it hardly confirms us in altering the accepted opinion that there were "allotment rooms."

The procedure of allotment now begins. When the dikasts throw in their tickets, each into the chest on which is inscribed the letter which is on his ticket, the servant shakes up the chests and the archon draws from each chest one ticket. The owner of the ticket is called a ticket-inserter, and he inserts the tickets into the *kanonis*. Thus Aristotle (64.1-2); but anyone who believes in allotment rooms must suppose an omission to the effect, "The servant shakes the chests up *and takes all ten chests into the allotment rooms*"; further, if there were two rooms, "*those lettered A-E go into the first room, and those lettered Z-K into the second*";¹ subsequently the archon must first draw five ticket-inserters in one room, then make his way through the crowd,

¹ Aristotle is hardly likely to have omitted such a detail, since he specifies the moving of kleroteria into the first court-room (66.1).

draw five in the other room, and return to the first room.¹ Those who believe in allotment rooms must also assume that the dikasts, after throwing their tickets into the chests, or else after the chests have been taken into the rooms, themselves pass through the entrance. Aristotle, though he records their every other movement, says nothing of this movement of the dikasts. His account reads as if the whole process of allotment took place in front of the entrance, without any unnecessary comings and goings, at all times in view of all the parties concerned.

In sum, to suppose that there were allotment rooms is to suppose that Aristotle omitted to mention not only the rooms, but also several important details of the procedure of allotment; whereas without the assumption of allotment rooms, Aristotle's account appears to be clear and complete. This, then, is the decisive argument. There is no need to seek for space to accommodate 30 (or 10) "allotment rooms." In *Ath. Pol.*, 62.2 the text should therefore read (the staves were placed) *κατὰ τὴν εἰσοδὸν ἐκάστην*. The chests are placed in front of the entrances, waiting to be filled with tickets; when the allotment begins, they are moved nearer to the kleroteria, which are also *outside* the entrances. Here, out-of-doors, the allotment takes place.² The crowds may have overflowed in all directions; no special area need be provided for them. A fair amount of clear space before each entrance is all that is required.

PART IV

THE PLAN OF THE DIKASTIC COURTS

The elimination of the allotment rooms simplifies the current notion of the plan of the dikastic courts.

The actual plan can be determined, if at all, only by excavation. The excavated remains, however, will probably not be fully intelli-

¹ Part of these difficulties, but only part, could be overcome by assuming that there was only one allotment-room for each tribe.

² Thus Isocrates, *Areop.*, 54, *πρὸ τῶν δικαστηρίων κληρουμένων* can be taken simply and literally, not (as by Colin, *Rev. Ét. Gr.*, 30 [1917], 46, n.) "*avant l'ouverture des audiences*."

For previous views on the place of allotment, see Hommel, *Heliaia*, p. 58, n. 136. A Greek lawyer, P. S. Photiades, came nearest to being correct.

gible by themselves, and it may be useful to set down here the essential parts of the plan, and the proper relation of the parts to each other.

A study of the location of these courts belongs to the Agora Reports (*Hesperia*, in progress) rather than to the present study. It seems clear that the Heliaia was somewhere in or near the Agora.¹ Now it is generally assumed, as by Hommel, that the Heliaia was enclosed in such a way that no unauthorized persons could obtain access to the area before the doors of the court-rooms themselves; in other words, that the complex of court-rooms was accessible only through the ten tribal entrances.² There is no positive statement to this effect, but it is inconceivable that any dikast, once admitted at an *εἴσοδος*, and carrying a staff which designated his court-room to all whom he met, was exposed to possible bribery in the Agora at large. That would be contrary to the intent of the whole system described in *Ath. Pol.*, 63-69. There would be in fact no meaning in "ten entrances" if they admitted dikasts, not to an enclosed area, but to the Agora in general — in which they were already.

When a given dikast, successful in the allotment, had drawn his lettered acorn (*βάλανος*), and when his ticket had been placed in the chest which was to go to the appropriate court-room, he passed a barrier called the *κιγκλῖς*, where an attendant gave him a colored staff. After passing this barrier, he proceeded to the court-room (*βαδίζει εἰς τὸ δίκασ[τήριον]*, 65.2), encountering no other barrier until he reached the court-room door. The problem of where the *κιγκλῖς* was situated depends on whether or not there were allotment rooms: if so, then the *κιγκλῖς* was somehow associated with the exit; if not, the *κιγκλῖς* was somehow associated with the "entrance" (*εἴσοδος*). We have seen (pp. 16-18) that the *εἴσοδος* opened directly

¹ Judeich, *Topographie*, ed. 2, p. 354, n. 2, with references; the exact location in the Agora there proposed is dubious. Professor T. L. Shear, Director of the Agora Excavations, has kindly permitted me to quote a letter from Professor H. A. Thompson, who writes that "from the area east and southeast of the Tholos have come many of the ostraka and exactly one half of the dikasts' tickets found in the excavations, and in this same region are numerous poros blocks cut to support stone posts. Quite tentatively, then, the courts may be located in the southwest corner of the square."

² Conceivably the magistrates, litigants, witnesses, and servants used one or more other (guarded) entrances.

on the area of the courts, not on a room; there was no *ἐξοδος*. Hence the *κιγκλῖς* may now be accurately located at or in the *εἴσοδος* itself.

Aristotle does not provide a clear image of the *κιγκλῖς*. He merely says (65.1) that the successful *dikast* *ἐ[ν] τὸς εἰσέρχεται τῆς κ[ι]γκλ[ίδ]ος*. Entering within the *κιγκλῖς* must imply passing through the *εἴσοδος* — through an “entrance”; Aristotle did not choose a more specific word such as “door” or “gate.” Hence it might be thought that the whole enclosing barrier of the courts was a *κιγκλῖς* continuous except for openings which could appropriately be described only as “entrances.” In that case *κιγκλῖς* would mean “latticed or grilled fence,” and the courts would have to be imagined as enclosed by an open-work barrier. Clearly *κιγκλῖς* does usually imply an open-work barrier of some sort: Ps.-Dem. XXV 23 speaks of τὸ τὴν βουλήν τοὺς πεντακοσίους ἀπὸ τῆς ἀσθενοῦς ταυτησὶ *κιγκλίδος* τῶν ἀπορρήτων κυρίαν εἶναι.

This image of a long open-work grill about the courts should probably be rejected because in the *bouleuterion* the *κιγκλῖς* was evidently some sort of swinging (latticed or grilled) gate, set in the main door.¹ Other uses of the word seem to imply a short grill-work, not a long fence.² The conclusion is that the simple tribal entrances were controlled by swinging grills of wood or metal. Once in, the *dikasts* were reasonably well-insulated; temptations could not come from without.

The next step is to determine the character of the wall surrounding

¹ Aristoph., *Eq.*, 641, κῆτα τῷ πρωκτῷθενὼν τὴν *κιγκλίδ'* ἐξήπραξα. This was plainly (*pace* Rogers, note *ad loc.*) in the door of the *bouleuterion*, not in the *δρύφακτοι*. There was no solid door (Ps.-Dem., XXV 23, given above). The *δρύφακτοι* were a railing of some sort between the area of the members' seats and the rest of the floor; when the *prytaneis* were in a hurry to leave, they leaped over the *δρύφακτοι* (Aristoph., *Eq.*, 675; see also Xen., *Hell.*, II, 3. 50 and 55).

² *IG*, II², 1668 (of 347/6 B.C.), line 65: καὶ διαφράξει τὸ μεταστύλιον ἕκαστον ὀρθοστάταις δυοῖν λιθίνοις ὕψος τριῶν ποδῶν, καὶ ἐν τῷ μεταξὺ *κιγκλῖδα* ἐπιθήσει[ε] κλειομένην. The scholiasts on Aristoph. are inaccurate or vague: on *Eq.*, 641, τὴν θύραν, τὸ κάγκελον τοῦ δικαστηρίου. ἰδίως δὲ τὰς διπλὰς θύρας οὕτω κλητέον, ἃς τινὲς *δικλίδας* φασίν; on *Vesp.*, 386, δρύφακτοι γὰρ ξύλινοι θώρακες, τὰ διαφράγματα, ἢ τὰ περιτειχίσματα, ἢ *κιγκλίδες*, περιφράγματα, τὰ νῦν ταβλωτὰ καλούμενα, τὰ τῶν οἰκοδομημάτων ἐξέχοντα ξύλα. The lexicographers are inaccurate, but understand a door or gate: Pollux, 8, 124, αἱ μὲν οὖν δικαστηρίων θύραι *κιγκλίδες* ἐκαλοῦντο; *Et. Mag.*, s.v., ἡ καγκελοθυρίς, θύρα δικτυωτή.

The word appears also in Aristoph., *Vesp.*, 124, and in *Frg.* 18 (Blaydes); in *IG*, II², 4771; and in late authors, but not significantly for the present purpose.

each court-room. It would not seem likely from Aristotle's account that outside spectators could witness the proceedings in the court-rooms; yet it is clear that large crowds actually could hear and see. The orators speak of them regularly, as though the phrase were almost technical, as "standing round about outside."¹ The implication of *ἔξωθεν* is clearly that the public was not admitted to the court-room itself, but was allowed to see and hear from outside it, which must mean from over at least one (low) wall of the room. The use of *περίστημι* probably implies a low wall on three sides.² This barrier has usually been taken to be the *δρύφακτοι*, which are thought of as a wooden paling or rail. Plutarch uses the word in precisely this sense, namely of a long outer circuit fence: *τόπον τῆς ἀγορᾶς περιπεφραγμένον ἐν κύκλῳ δρυφάκτοις* (*Aristeides*, 7.5), but the scholiasts and the lexicographers³ show that no exact definition survived the object itself. The *δρύφακτοι* were doubtless wooden,⁴ but they are hardly likely to have been merely part of the walls of the court. The *δρύφακτοι* in the bouleuterion were clearly not part of the walls of that building (above, p. 20, n. 1). Among the larger furnishings of the court, the *δρύφακτοι* were the central feature: Aristophanes makes Bdelukleon cry out, If I die, *θεῖναι μ' ὑπὸ τοῖσι δρυφάκτοις* (*Vesp.*, 386); and again (830-831) *ἄνευ δρυφάκτου τὴν δίκην μέλλεις καλεῖν | ὁ πρῶτον ἡμῖν τῶν ἱερῶν ἐφαίνετο*; Such sentiments would hardly attach themselves to a mere barrier for keeping back the public. The *δρύφακτοι* should rather be imagined as railing the focal space where stood the archon, the three bemata, the urns for voting, and the water-clock. Behind the dikasts would be the low mud-brick walls of the room, walls not dignified by any special name.

It is notable that Aristotle (68.1) speaks of courts coming together

¹ Dem., XVIII, 196, *πρὸς ὑμᾶς, ἄνδρες δικασταί, καὶ τοὺς περιστηκότας ἔξωθεν καὶ ἀκρωμένους*. Aeschines, II, 5, *τις - - τῶν ἔξωθεν περιστηκότων*. III, 56, *ἐναντίον τῶν δικαστῶν - - καὶ τῶν ἄλλων πολιτῶν ὅσοι δὴ ἔξωθεν περιστᾶσι*. Isaeus, V, 20, *ἐναντίον μὲν τῶν δικαστῶν, - - ἐναντίον δὲ τῶν περιστηκότων*. Kahrstedt, *Untersuchungen zur Magistratur*, p. 295.

² The fourth side, with the door, was probably higher, since the "entrance" (*εἴσοδος*) had a lintel (*Ath. Pol.*, 65. 2).

³ Thus Hesychius s.v., *αἱ τοῦ δικαστηρίου θύραι ἢ κάγκελοι, ἢ τὰ διαφράγματα, ἢ τὰ περιτειχίσματα*.

⁴ Schol. Aristoph., *Vesp.*, 830.

"into the Heliaia": συν[έρχεται β' δικαστή]ρια εἰ[s] τὴν ἡλιαίαν (Hommel, *Heliaia*, p. 24). This seems to imply that the Heliaia was included in the circuit wall, whether as the old Solonian court-room, or as a new room laid out to fit the old requirements, or perhaps as merely a name for a court sitting in any convenient large room. In the latter case, removable walls between lesser court-rooms may have enabled these rooms to be thrown together into a larger room of any desired size.

When one attempts to put the foregoing indications together, it becomes evident that much depends on the περι- of περίστημι. If each and every one of the courts can be "surrounded" by the public on as many as three sides, then the fourth side must contain the entrance of the court. This entrance must open on an area accessible only to successful dikasts. The requirements could be satisfied by arranging the court-rooms at intervals along a sort of walled street. Outside the street, in the intervals between the courts, the tribal allotments would take place, and the successful dikasts would pass through entrances cut in the walls of the "street." Once in the street, they would have in view all the various court-room doors. So much results from taking περίστημι literally. If, instead, the public could look over only one, or at most two, walls, then the court-rooms may have been built in a block forming one large solid rectangle. An outer wall, at an even distance of say 10 m. from the rectangle, may have been drawn about the whole. This circuit wall would contain the tribal entrances, outside of which allotments would take place. After the dikasts were in their courts, the public can have been admitted within the wall.

So much for the demands of theory.¹ Without violating these demands, the actual plan may well have been formed irregularly at different dates by building various rooms and connecting them with the complex. Thus some courts would remain more or less distinct, like the Batrachion and the Phoinikion seen by Pausanias (I 28.8). The Heliaia proper, a larger enclosure, may also have stood somewhat apart, and the name of the Trigonon suggests that the court so named

¹ Hommel's diagram (*Heliaia*, p. 140), besides containing allotment rooms, allows too much free space in the middle, and in the case of all but two of the court-rooms, the public would have access to only one wall of each room.

was fitted into an awkward space (*ibid.*). A further complication is introduced by the inscription *Hesperia*, 5 (1936), No. 10, pp. 393-413, which mentions in lines 12-13 [δικαστήριον] πρῶτον τῶν καιν[ῶν], and in lines 116-117 δικαστήριον τὸ μέσ[ον τῶν] καινῶν. The natural interpretation here, as Professor Ferguson has suggested to me, is that three "new" courts are implied, presumably built in a block: τὸ πρῶτον, τὸ μέσον, and by inference τὸ τρίτον. This is not the only conceivable interpretation,¹ but at least it suggests the sort of thing which must have taken place.

The precinct and statue of Lykos² stood somewhere near, or probably in, the area, but only excavation can determine where.

PART V

THE ALLOTMENT OF DIKASTS

Aristotle, *Ath. Pol.*, 63.2: εἰσοδοὶ δὲ εἰσιν εἰς [τὰ] δικαστ[ή]ρια δέκα, μία τῇ φυλῇ ἐκάστη, καὶ κλη[ρωτήρι]α εἴκοσι, δ[ύο τ]ῇ φυλῇ ἐκάστη, καὶ κιβώτια ἑκατόν, δέκα τῇ φυλῇ ἐκάστη, κτλ. *One* entrance for each tribe is precisely what would be expected, since the allotment of dikasts took place outside the entrances,³ the tribes being allotted separately, each outside its own entrance; and the successful dikasts filed one at a time each through his own tribal entrance. Likewise the number of chests (κιβώτια) is no mystery. The dikasts of each tribe were divided into ten sections, each designated by one of the ten letters A-K. Each dikast, as he arrived before his tribe's entrance, deposited his dikast's ticket in the chest bearing the same letter as the letter on his ticket signifying which section he belonged to. Hence there had to be *ten* chests for each tribe. The number of kleroteria was *two* for each tribe. *One* kleroterion for each tribe would seem suitable, or else *ten*. Why *two*?

This question has never been answered. Certainly there ought to be an answer, since the whole system of allotment, like much else in Athenian political institutions, was utterly logical. The inquiry may

¹ Meritt, *Hesperia*, 5 (1936), 408.

² Aristoph., *Vesp.*, 389, 818, etc.

³ *Supra*, pp. 16-18.

therefore be expected to lead us beyond mere considerations of equipment.

Hitherto students have thought that κληρωτήρια in the passage quoted meant "allotment rooms," *Losungshallen*, *salles pour le tirage au sort*. The problem was therefore different for them; the main consideration in a hall would be space, and the crowds of dikasts, as many as 600 from each tribe, might each be handled most expeditiously if split into two "allotment rooms," each holding some 300 dikasts. Since it is now established that κληρωτήρια can mean nothing but "allotment machines," and there were no "allotment rooms" at all (*supra*, pp. 15-18), another form of the same solution might be considered, namely that a crowd of hundreds of dikasts milling around one machine would interfere with the proper witnessing of the procedure by all concerned. If only 300 were grouped about, then perhaps all could see satisfactorily. To this solution there is one telling objection, namely that the same considerations ought to have led the Athenians to set up five or even ten kleroteria for each tribe.¹

Two other reasons of a practical sort are also not convincing. It might be thought, for instance, that kleroteria capable of allotting a whole tribe at once would be so heavy as to be practically immovable. There are two sufficient answers to this. One is, that the machines, once set up, never had to be moved. The other is, that the machines of Aristotle's day were movable.² Neither of these answers is known for a fact, but they have authority enough to serve.

The second practical reason which might be advanced is the technical difficulty of making a kleroterion with *ca.* 600 slots, and the consequent expense. The answer to this is that much larger kleroteria were

¹ In L. Whibley's *Companion to Greek Studies*, ed. 1 (1905), W. Wyse wrote, in the days when the text of Aristotle was more imperfect than now, "The judges assembled at the allotment-chambers (κληρωτήρια), one for each tribe (not, as might have been expected, one for each section)." Despite its three errors (which are unchanged in ed. 4 [1931], p. 475), this sentence shows the correct tendency of thought.

² In *Prytaneis*, p. 213, I suggested that Arist., *Ath. Pol.*, 66.1, which says that two kleroteria are set up in the first court when all the dikasteria are full, proves that the kleroteria of that time were portable, hence wooden. The kleroteria needed in the court were small, however, and presumably were different, then or eventually, from the kleroteria used to allot dikasts, which were bulky.

produced.¹ It may be conceded that two lesser kleroteria were considerably cheaper to make than one kleroterion as large as both combined. This practical argument helps to explain why they did not make one large kleroterion, dividing it by a line on the front surface into two equal parts. The necessity which would have impelled them so to divide it has yet to be made clear.

More plausible would be a mathematical reason, if any could be formulated. At first thought, it appears that a different kind of total might be reached, so that the system would be more flexible, when allotments were performed for five dikasts at a time (as in the actual kleroteria known to Aristotle and to us), rather than for ten dikasts at a time. For example, one thinks that courts totalling 750 dikasts could be filled on the former system; not on the latter, which results in even hundreds. This line of inquiry, however, appears to be mistaken. Twenty kleroteria allotting five dikasts at a time yield precisely the same totals as ten kleroteria allotting ten dikasts at a time. Courts totalling e.g. 750 were impossible: in either system, the total must always have been an even hundred dikasts, e.g. 700 or 800.²

The explanations which have been considered thus far have one feature in common. Though dealing with practicalities, all are general in nature: that is to say, none of them involves close attention to the actual process of allotment. Since none of them yields a satisfactory answer, it is natural to examine the only remaining aspect, namely the particular exigencies which might arise in the actual process of allotment. About certain of these exigencies Aristotle is silent. Modern students, failing to visualize the whole process, have failed to realize the existence of these exigencies. At the present time, with actual kleroteria at hand to assist the imagination, a better understanding of the whole situation ought to be, and I think is, within reach.

The ten Athenian tribes may have been approximately equal in size when Kleisthenes constituted them, but inequalities were bound

¹ *Prytaneis*, pp. 208-209, No. X clearly had 550 slots, and No. XI doubtless many more, perhaps 1000.

² See further, *infra*, p. 27, n. 1. The full complement of dikasts for a court seems regularly to include an odd man, to obviate a tie (Arist., *Ath. Pol.*, 53.3; 68.1). How this odd man was selected we do not know. He was probably not the presiding magistrate.

to arise, and there was no way of obviating them. Our figures suggest that in fact there came to be, in the course of time, some inequalities.¹ Whether admission to the body of dikasts was controlled so as to keep the numbers of dikasts in each tribe approximately equal, we do not know; it seems likely that the effort was made. We do know (*Ath. Pol.*, 63.4) that each tribe was divided into ten sections, and that these sections were kept approximately equal to each other within each of the tribes. The intent embodied in the system as a whole was plainly to create 100 approximately equal divisions of the body of dikasts; and to order the allotment in such a way that a precisely equal number of dikasts would be admitted to the courts as a whole (but not to the various individual courts) from each of these 100 divisions on every day when the courts sat.

For our present purposes, the essential fact is that the ten sections of each tribe were approximately equal on the official rolls. This does not mean, however, that precisely equal numbers of dikasts from each section presented themselves for the allotment every morning when the courts were to sit. There was no compulsion on a dikast to attend, apart from the attraction of the three-obol fee. Presumably a man who removed his residence e.g. from Athens to Sounion still retained his ticket, though he seldom attended. How great the discrepancies between sections in actual daily attendance may ordinarily have been, we do not know. If, merely to illustrate, we may take 5000 as a round number for the whole body of dikasts in the period when *Ath. Pol.* was written,² then each section would normally contain about 50. On any given day, the attendance might, I suppose, fall as low as 25 or even 20 in some sections.

In order to construct a typical, or at least a possible, situation,

¹ A. W. Gomme, *The Population of Athens in the Fifth and Fourth Centuries B.C.* (Oxford, 1933), p. 50 assembled the data. Among preserved names, he counted (to take the extremes) 979 in Aiantis, 1540 in Aigeis. Chance plays so large a role, however, that not much argument can be based on these figures. A rough count shows that *Prytaneis* brings the total for Aiantis to 1103 without adding a single citizen to Aigeis.

² Gomme, *Population*, estimates that there were about 28,000 citizens at this time. The number of dikasts is quite uncertain. Since there was no upper limit, such as the 6000 of the fifth century, the number nominally enrolled as dikasts may have been as high as 10,000, of whom only a minority were active.

let us suppose that on some given day two courts of 500 dikasts each are to be filled, so that in all 1000 dikasts are required, which means 100 dikasts for each tribe, or precisely 10 dikasts from each of the 100 sections.¹ It may be assumed, for purposes of this discussion, that at least 20 dikasts will appear on the given day in every single section.² It may also be assumed that the numbers of dikasts who present themselves will not be the same, unless by mere coincidence, in any two sections within one tribe. In conformity with these assumptions, a set of figures for one tribe may be drawn up sufficiently representative, so far as one can guess, to serve as a basis for discussion. Let us suppose that from the first section, A, 32 dikasts present themselves, from B, 31, and similar numbers from other sections, one section (say Δ) having as many as 36, and one (say Z) as few as 21. From each of these sections 10 dikasts are to be chosen by lot.³

¹ We do not know how many jurors were empanelled on a typical day in the fourth century. As few as 200 are contemplated in *Dem. c. Mid.*, 223: *ἐάν τε διακοσίους ἐάν τε χίλιους ἐάν θ' ὀπόσους ἂν ἡ πόλις καθίσῃ*. Certainly 1000 was not the upper limit; it may be taken as a large number, or more likely as typical. The number 200 has been taken as the smallest number which were or could be empanelled (Sandys, *Ath. Pol.*, ed. 2, p. 204 and refs.). The inference was bold but correct, as can now be proved by visualizing the process of allotment. As will be shown in this Part, actually there had to be two allotments of the dikasts who presented themselves. The first allotment had to be performed by ticket-inserters, and the ticket-inserters were *ex officio* chosen to serve that day in the courts. There were 100 ticket-inserters. The whole body of dikasts was divided into 100 parts. These 100 parts had to be equally represented in the day's session, and the ticket-inserters, though they fulfilled this condition, were too simply chosen (*infra*) and collusion might result in a packed jury. Hence more dikasts had to be chosen, and to keep the representation of the 100 sections even, at least 100 had to be chosen. Hence 100 ticket-inserters plus 100 other dikasts (the latter chosen by double allotment, *infra*) made up a day's panel of minimum size. Hence also all panels contained even hundreds (*supra*, p. 25).

² Aristotle says nothing of possible deficiencies. Probably the thesmothetai, in deciding the sizes of the various courts, took into account the nature of the cases, the weather, the military situation if any, and the state of the crops; and then fixed the total number of dikasts required at something like half or one-third of the number of dikasts likely to present themselves for the allotment. A deficiency in any given section on any given day was probably not remedied: there was no inner necessity why a court had to have its even hundreds. A deficient section would simply suffer the penalty of having too few votes.

³ The account which follows is an expansion of Aristotle, *Ath. Pol.*, 63-65.

Each dikast, when he arrives in front of his tribal entrance, throws his ticket into that one of the ten lettered chests which bears the letter of his section, the letter which is inscribed on his ticket. A signal (σημείον) of some sort,¹ presumably a blast on trumpets, presently signifies that no more tickets are to be accepted, and that the process of allotment is about to begin. At once a servant carries the ten chests to where the archon² is standing, at one side of the entrance for his tribe and near one of the two kleroteria, the other of which is presumably on the other side of the entrance. The servant shakes each chest, so that the tickets deposited last will not necessarily be uppermost. He then presents the chests in turn to the archon, who draws one ticket at random from each chest. The ten dikasts in each tribe whose tickets are thus drawn are called ticket-inserters (ἐμπήκται). Their first duty is to insert the tickets from their chests into the vertical columns of slots (κανονίδες, *supra*, pp. 5-6) in the two allotment machines (κληρωτήρια). Each allotment machine has five vertical columns of slots: in the two machines together there are ten, so that each section of the tribe has its own column of slots (κανονίς).

The ticket-inserter from section A begins the work. We are supposing that 32 dikasts from section A presented themselves for the allotment. There are now 31 tickets in the chest, since the ticket-inserter's own ticket, drawn out by the archon, has been set aside as that of a dikast already successful, without further allotment. The ticket-inserter from A draws the 31 tickets from the chest one by one, picking them at random, so that the very taking of them out of the chests is in itself an allotment;³ and as he removes each ticket, he inserts it in the first vertical column (κανονίς) of the first kleroterion. The first ticket goes into the topmost slot, the second into the second slot, and so on, until the uppermost consecutive 31 slots are full, and the chest for

¹ Aristoph., *Vesp.*, 690; H. Hommel, *Heliaia* (*Philologus*, Supplementband XIX, Heft II), p. 51.

² The allotment was presided over by that member of the tribe who was one of the board of nine ἀρχοντες, the secretary to the thesmothetai serving for the tenth tribe (Aristotle, *Ath. Pol.*, 63.1). In the present article the presiding official is referred to, for simplicity, as "the archon."

³ Colin (*Rev. Ét. Gr.*, 30 [1917], 50-51), has the archon draw the tickets from the chests and pass them to the ticket-inserters. *Ath. Pol.*, 64.2 and the logic of the whole procedure oppose this. The archon was not entrusted with both allotments.

section A is empty. Then the ticket-inserter from section B inserts the $(31 - 1 =) 30$ tickets from the chest of section B into the second column of slots; and so on, until all the tickets (save those of the ten ticket-inserters) of sections A-E have been inserted into the first kleroterion. Simultaneously the second kleroterion will have received the tickets of sections Z-K.¹

The archon can now begin the allotment proper. As he surveys the two kleroteria, they will look as they do in the Figure facing p. 1, if we keep to the figures mentioned above for some of the sections, and if we fill in the others with intermediate numbers of tickets. (In no case do the exact figures given matter in the least — all that is sought for is general verisimilitude, with discrepancies of the magnitude that must have occurred.)

The dikasts are to be allotted five at a time. According to the way the first lot decides, the five dikasts whose tickets are in the first *horizontal* row of the first kleroterion will succeed or fail together; and so on throughout the *whole series of horizontal rows filled with five tickets each*. In the first kleroterion the archon counts 28 such full horizontal rows. Now since 1000 dikasts in all are needed, or 10 from each section, the archon must count out 9 dice (that is, ten minus one, to allow for the ticket-inserters) which signify success: these dice are white. Black dice signify rejection. The remaining groups of five out of the total of 28 are to be rejected, hence the archon counts out $28 - 9 = 19$ black dice. He shakes up the 9 white and 19 black dice together in a container, and dumps them all into the cone at the top of the kleroterion. (The Figure shows the long tube, into which the dice fall, cut open to reveal to us what the participants themselves could not see: the order of the 28 dice.) The first die to be drawn, as it happens, will be black. Hence the five dikasts represented by the first horizontal row will be

¹ Thus two ticket-inserters were at work simultaneously, one at each kleroterion. There would not have been room for all five ticket-inserters to work simultaneously at each kleroterion. The inserting was an allotment; it had to be orderly.

It may be noted that all the preserved *πινάκια* have the letter which denotes the section stamped at the left end. The reason for this uniformity was probably to enable the tickets to be inserted in the kleroteria with the letter-end uppermost and (since the slots are not deep) protruding. A quick inspection would then enable the archon to detect error or malpractice.

rejected. The next two dice are white; hence the next two rows will be accepted; and so on.

When the first die is drawn and proves to be black, the first row of tickets, being thus rejected, will remain in their slots. When the second die, which happens to be white, has been drawn, the second row of tickets will be removed by the archon and shown to the herald. The herald will call out the names, and each dikast, as his name is called, will come forward and complete the process of admission to the area of the courts. (The tickets of the unsuccessful dikasts will be passed back to their owners by the ticket-inserters when the drawing is complete and the successful dikasts have disappeared within the entrance.) The whole process is repeated with the second kleroterion. Here, as before, 9 white dice, plus $(20 - 9 =) 11$ black dice will be required. In this way all of the dikasts from the tribe in question, whose tickets occur in *full horizontal rows of five tickets each*, will have been allotted. Those who succeed in this tribe, as in every tribe, will number $(9 \times 5 \times 2 =) 90$, + 10 ticket-inserters, = 100 dikasts. The archon's allotment, now completed, will have rejected in the first kleroterion, $19 \times 5 = 95$, and in the second kleroterion $11 \times 5 = 55$, in all 150 dikasts.

We come now to the problem of the tickets inserted in the slots of each machine *below the last full horizontal rows of five tickets each*. Of such tickets there are 13 in the first kleroterion, 38 in the second, in all 51. As to these tickets, Aristotle gives us no information, and hitherto no modern student has realized the peculiar exigency to which their position inevitably gives rise. A situation more or less similar must have recurred in all the 20 kleroteria on every day when the courts sat. It is hard to see how the Athenians, who were doubtless annoyed, could obviate this ragged edge in their otherwise perfect system. The suggestion may be offered that all of these 51 tickets must have been considered as rejected by their position itself in the *kanonides*. To cast lots for rows of four, three, two, or one would be to introduce an unadjustable set of figures into the calculations. Courts of even hundreds could not be made up efficiently on such a basis. Nor could tickets from sections heavily represented (such as Δ) be inserted into other columns without risk of letting into the courts a disproportionate number of men (i.e., more than 10) from section Δ . Hence all

of these 51 dikasts are rejected without having had a chance at the archon's allotment. The various ticket-inserters, by drawing these tickets last, have rejected their owners. Undoubtedly this is a fault in the system. Moreover, the drawing by the ticket-inserters, when they inserted the tickets, was far from being a perfect form of allotment. Aristotle expressly states that the ticket-inserters were drawn by lot to avoid the malpractice which would result if the same men held the position permanently. One form of malpractice can easily be imagined, a form which would be reduced perhaps but not eliminated by allotting ticket-inserters. Without much effort, a ticket-inserter could, if he chose, recognize some few names on the tickets in the chest, and leave them until the last, inserting them at the bottom of the *kanonis*, where their position would probably exclude them from the archon's allotment. Such an action would doubtless be malpractice, but it could hardly be prevented. Even if such malpractice were rare, the principle remained that all dikasts had a right to be allotted according to the archon's dice. On every day the courts sat, numerous dikasts in all the tribes were victims, like our 51 dikasts, of an injustice, if not also of malpractice.

The remedy was obvious, however costly in time. The remedy would consist in allotting each section by itself. The procedure would be as follows. Taking section A by itself first, the archon would count out the 9 white dice as in the actual procedure, and mix with them $31 - 9 = 22$ black dice. Then he would pour the 31 mixed dice into the machine, and draw one die to allot each ticket by itself (not for five tickets together at a time), until he had allotted the whole of section A ticket by ticket, including the tickets below, as well as those above, the last full horizontal row. Next, coming to section B, he would mix, with the 9 white dice, $(30 - 9 =) 21$ black dice, and proceed as with section A, ticket by ticket; continuing thus through all ten sections. This procedure, which gives every single dikast the full benefit of two allotments (since malpractice by the ticket-inserter would be nullified), is an absolutely just system. It is the only absolutely just system, I think, which can be conceived.

Anyone could see that this procedure, namely individual allotment, was the perfectly fair system. Such a procedure was doubtless used for many other offices in Athens — offices for which applicants were

far less numerous than those for the jury-courts. Consequently there must have been some compelling reason why the dikasts were treated with less than perfect fairness.

The explanation may be sought in the chief difference between the perfect procedure and the procedure actually used. This chief difference is the greater amount of time required by the perfect procedure. No lengthy argument is needed to prove that time was a serious factor in the sessions of the dikasteria.¹ The selection of ticket-inserters and the insertion of all the tickets, 291 in our illustration, could not be finished in less than 10 or 15 minutes; this process could not be shortened. The time needed for the herald to call out all the (say 100) names of successful dikasts, for the (100) men named to come forward through the crowd, for each of them in turn to draw a *balanos*, and for each to show his *balanos* to the archon so that the archon might dispose correctly of each ticket, would be a long and irksome period. This process *could* have been shortened only by having several helpers of the archon, and several heralds. More will be said presently about this solution, which was not adopted and evidently was out of the question. Further time had to be spent in passing back the tickets to the unsuccessful dikasts. This was speeded up by having all ten ticket-inserters take part. On top of all this was the actual time for the trials, for the voting, for making payments. Time could be saved only in the actual allotting by the archon — in the process of reckoning the number of dice (which had to be counted with strict accuracy, else fearful confusion would ensue), and in the drawing of the dice. That is why not one but several dikasts were allotted at once.

The drastic solution to save time would have been to allot not five, but ten dikasts at once. It is puzzling at first to see why this solution was not adopted. In this matter the situation visualized in the Figure will again be of use. If all ten sections were allotted at once, only one kleroterion, with ten kanonides, would be needed. If we examine the situation in terms of the Figure, it will be apparent that *all* the dikasts (not merely those in sections Z–K) whose tickets were inserted below

¹ So much so that the dikasteria could not be convened on the day of an *ekklesia*: ἀδυνάτου δ' ὄντος αὐθημερὸν ἐκκλησίαν ἅμα καὶ δικαστήριον γενέσθαι (Dem., XXIV 80). Some trials were planned to take most or all of the day: εἰς τρία μέρη διαιρεῖται ἡ ἡμέρα, ὅταν εἰσὶν γραφὴ παρανόμων εἰς τὸ δικαστήριον (Aeschines, III 197).

the 20th row would be excluded from the archon's allotment. Dikasts in nine sections, to the total number of 91, would be affected. The procedure with one kleroterion would thus add 40 men to the total of $(13 + 38 =) 51$ who, as we have seen, are excluded by the procedure with two kleroteria, i.e., with two sets of five kanonides. In general form, the situation may be expressed thus: allotment in one kleroterion (with ten kanonides) means that nine sections would suffer if only one section were markedly ill-represented; whereas, with two kleroteria (of five kanonides each), only four sections would suffer when one section was ill-represented. •

In other words, the Athenians chose to compromise between the perfectly fair procedure (allotment of one ticket at a time) and the drastically quick system (allotment of ten tickets at a time). The compromise logically took the form of selecting a mean between one and ten, namely allotment of five tickets at a time. Correspondingly, this form of compromise would ordinarily reduce the number of dikasts unjustly treated by something less than a half (in our illustration, from 91 to 51).¹ Hence two kleroteria. Or rather, hence allotment of five tickets at a time. One kleroterion with ten *kanonides* could have been used, the archon allotting five *kanonides* at a time. The reasons against this, and in favor of two kleroteria, were certain factors mentioned at the beginning of this inquiry, namely expense, and the advantage of splitting the crowd of dikasts into halves.

The same weighty consideration, namely the saving of time, explains also why one kleroterion was not used twice, so as to save the expense of a second kleroterion. In the procedure actually followed, the second kleroterion was all ready, without delay, for the archon's allotment long before he finished with the first kleroterion, since the second group of five ticket-inserters would long since have finished inserting the tickets in the second kleroterion. If there were only one kleroterion,

¹ Theoretically on some days no dikasts might be affected, i.e. when, in each group of five sections, the two sections least well-represented were precisely equally represented. This is one possible extreme. The upper limit cannot, of course, be fixed, but it may be noted that if one section had 30 dikasts present, and all of the others had 60 each, then the system of two kleroteria would operate unjustly for only 120 dikasts, while 150 dikasts would be spared the injustice which would result from allotting the dikasts ten at a time (i.e. in one kleroterion, in which case all of the $120 + 150 = 270$ would suffer).

additional time would be required for the first five ticket-inserters to pass back the tickets of those who were rejected in the first allotting; then the second five ticket-inserters would have to insert all the 100 + tickets, before the second allotment could begin.

The inquiry into the problem of why there were two kleroteria has thus brought into relief several facts not hitherto appreciated. (1) There were two allotments: besides the allotment with dice by the archon, there was the prior allotment which consisted of the insertion of tickets into the kleroteria by the ticket-inserters. (2) Inequalities of attendance brought it about that this prior allotment, in the procedure actually followed, unjustly excluded some, often many, dikasts from the archon's allotment. (3) The only perfectly fair procedure would have been time-consuming individual allotment. (4) Time was so important a consideration that injustice to a minority of dikasts (2) was countenanced to save minutes for the majority. (5) Also to save time, a second kleroterion, otherwise unnecessary, was provided for each tribe. (6) Both time and justice would have been served if the functions of the archon could have been fulfilled by a group of five or ten officials, operating simultaneously five kleroteria with two *kano-nides* each (if there were five officials), or ten kleroteria with one *kanonis* each (if there were ten officials). A solution apparently so reasonable, in that it obviated both delay and injustice, must have been rejected for strong reasons. In the actual system, much depended on the probity and accuracy of the archon. Apparently the archontes were trusted, or rather were considered more trustworthy than any boards of five or ten men each which could conveniently serve. The avoidance of malpractice, which thus out-weighed both time and justice, was a cardinal principle in the procedure of allotting dikasts.

THE ORIGINS OF THUCYDIDES' STYLE

By JOHN H. FINLEY, JR.

I

IN DISCUSSING the numerous resemblances of thought and expression between Euripides and Thucydides,¹ I recently tried to show that many ideas and forms of argument attributed by Thucydides to his speakers were in fact familiar when their speeches were allegedly delivered; for the same ideas and arguments appear in the contemporaneous plays and fragments of Euripides. It seemed therefore to follow that although Thucydides wrote some, perhaps most, of his History after 404, he nevertheless reflects with some fidelity the outlook and attitude of earlier years. One could not, to be sure, assert on such evidence that given speakers actually spoke as Thucydides said they did, but it was at least clear that they might well have spoken so, since the ideas were then so much in the air as to find expression in tragedy. Still other resemblances between early plays of Euripides and parts of the History other than the speeches appeared to show that Thucydides was himself led to conceive many of his characteristic ideas before leaving Athens, as in the first sentence of the History he indeed suggests was the case. Both conclusions seemed of some value as refuting or at least mitigating the common view that Thucydides, a more or less isolated thinker, after the end of the war put his own incisive reflections on it into the mouths of earlier statesmen. Essentially that view charges him with anachronism and derives its strength from two kinds of argument: first, that the historian at the end of the war was primarily interested in vindicating the policy of Pericles which at that time seemed to have been ruinous,² and then, that it was the bitter experience of war itself which bred not only in Thucydides but among Greeks generally that rhetoric and rationalism which, however, mark even the opening speeches of the History.³ Now with-

¹ "Euripides and Thucydides," *H. S. C. P.*, XLIX (1938), 23-68. Relevant passages from contemporary authors, notably Sophocles and pseudo-Xenophon, were likewise discussed.

² E. Schwartz, *Die Geschichtsschreibung des Thukydides*,² Bonn, 1929, p. 133.

³ Wilamowitz, *Aristoteles und Athen*, Berlin, 1893, I, p. 176.

out going over the evidence again, one can at least say that the defense of democracy attributed to Pericles, the theory of oligarchy ascribed to Archidamus, the respective positions of Cleon and Diodotus (to name only what is most striking) find close parallels in the plays of Euripides before and during the Archidamian War; and what is more important, that the considerations of power, the arguments from τὸ συμφέρον, the use of εἰκός to show what is generically true of men or states — in short, the characteristic means by which Thucydides and his speakers reveal their rationalistic outlook — are not less attested in the same period. There seems therefore a very real error in underrating the rationalism and the skill in argument which, as is clear from the *Medea* of 431, already marked the Athens of Pericles. If so, then even the speeches of the first books may well be thought to reflect, not primarily the author's later views or a rhetoric which developed later, but rather the ways of the contemporary mind.

But even if the view thus inadequately sketched were accepted, the objection would soon arise that in style at least the speeches of the first books cannot be faithful to the period which they purport to represent. The antithetical sentences of Pericles, for instance, have usually been described as Gorgian, but Pericles died in 429, two years before the famous embassy on which Gorgias first dazzled the Athenians. Blass accordingly was led to state,¹ "Die Leichenrede bei Thukydides und die beiden andern daselbst dem Perikles in den Mund gelegten Reden geben uns von dem Geiste des Mannes ein treues Abbild, von seiner Beredsamkeit nicht," and Alfred Croiset,² Steup,³ and two scholars who have most fully discussed Thucydides' style, Rittelmeyer⁴ and Ros,⁵ echo his words directly or, by calling the style Gorgian, indirectly. Hence the issue seems quite clear: either Gorgias introduced antithetical prose into Athens in 427, in which case the style of speeches representing a period before and doubtless imme-

¹ *Die Attische Beredsamkeit*,² Leipzig, 1887, I, p. 34.

² *Thucydide, Livres I-II*, Paris, 1886, pp. 104-6, 110, 114-5.

³ Classen-Steup, *Thukydides*,⁵ 1919, I, lxxx, though his statements are more guarded than the foregoing.

⁴ *Thukydides und die Sophistik*, Leipzig, 1915, esp. pp. 36-51, 93-102.

⁵ *Die μεταβολή als Stilprinzip des Thukydides*, Paderborn, 1938, p. 1. But see below, pp. 80-84.

diately after that date is in fact anachronistic, or Pericles spoke in some such way as Thucydides said he spoke, in which case the innovations of Gorgias, however significant in some respects, were nevertheless not so far reaching as has been supposed.

But thus baldly put, the alternative seems somewhat unreal. Could one man, it might be asked, make such a change so quickly? Can one year stand as a dividing line between literary styles, which by their nature are merely instruments to express pervading and therefore slow changes in men's outlook? For however brilliant or startling the innovations of an individual may be, they owe their acceptance (the more so if it be rapid) to some state of readiness or preparation in the public mind. So considered, the question rather becomes: were there no antecedents of the Gorgian style; for if not, then the changes wrought by Gorgias were almost unprecedented in their speed and thoroughness. Consider, for example, a fragment of the orator Antiphon almost certainly from a speech of the year 425:¹ *καίτοι οὐκ ἂν τῆς μὲν τῶν ἄλλων πολιτῶν τάλαιπωρίας προὔσκέψαντο, τῆς δὲ σφετέρας αὐτῶν ἐταιρίας οὐκ ἐνεθυμήθησαν*. Must one say that so pointed an antithesis would have been foreign to the prose of two years past, and that, although it was composed by an experienced advocate then probably in his fifties for persuasion, not for show? Undoubtedly it would be easier to believe that Antiphon did not in 427 suddenly adopt an unfamiliar and, if so, probably a repellent style, but rather that certain of the so-called Gorgianisms were already known before the rhetorician came to Athens. If it could be shown that they were, then Gorgias would appear less as the bringer of something wholly new than as a man of brilliant virtuosity who systematized, heightened, and carried farther usages known before but never so boldly sought. Yet exactly that fact would, if admitted, have the greatest bearing on the origin of Thucydides' style. For one would no longer be compelled to think of his antitheses as Gorgian and, therefore, as anachronistic in the speeches of the early books. On the contrary, his style, like the arguments of his speeches and many of his own ideas, would in its essentials appear to reflect the Athens which he knew in the thirties and twenties before his exile.

¹ L. Gernet, *Antiphon*, Paris, 1923, fg. 4, p. 165; cf. also p. 161 on the date of the *Περὶ τοῦ Σαμοθράκων φόρου*.

II

Perhaps the easiest and clearest means of discussing the question will be first to examine the more important opinions advanced in ancient and modern times on the innovations of Gorgias, and at the same time to appraise those opinions by comparing them with one another and with such other evidence as seems relevant. Then another section will be devoted to the fragments of the sophist Antiphon which, if, as seems probable, they antedate the arrival of Gorgias in Athens, should serve both to test the conclusions achieved thus far and to present a concrete, if limited, example of the sophistic prose composed in Athens during Thucydides' early manhood. Finally, in a brief conclusion the evidence on the question, how far the style of Thucydides' speeches is representative of the period in which they were allegedly delivered, will be collected and summarized.

The most categorical statement made in ancient times on the innovations of Gorgias and the one which undoubtedly has been most influential is that of Diodorus. His source is usually taken to be Timaeus, mentioned by Dionysius in his somewhat similar account. But since Dionysius expressly hesitates to speak so categorically, the sweeping statement of Diodorus is not beyond suspicion. Moreover, one must remember that it appears in a compendium of history. Had Diodorus known the several steps in the development of Attic style, he doubtless would not have reported them in such a work, and as it was, Gorgias was sufficiently celebrated to appear in a general way as the *εὐρέτης* of artistic prose. The statement of Diodorus follows (XII 53): Gorgias, he says, was the most eminent rhetorician of his day; on his arrival in Athens with the deputation from Leontini, τῷ ξενίζοντι τῆς λέξεως ἐξέπληξε τοὺς Ἀθηναίους ὄντας εὐφυνεῖς καὶ φιλολόγους. πρῶτος γὰρ ἐχρήσατο τοῖς τῆς λέξεως σχηματισμοῖς περιττοτέροις καὶ τῇ φιλοτεχνίᾳ διαφέρουσιν, ἀντιθέτοις καὶ ἰσοκώλοις καὶ παρίσοις καὶ ὁμοιοτελεύτοις καὶ τισιν ἑτέροις τοιούτοις, ἃ τότε μὲν διὰ τὸ ξένον τῆς κατασκευῆς ἀποδοχῆς ἡξιοῦντο, νῦν δὲ περιεργίαν ἔχειν δοκεῖ κτλ. In short, Gorgias was the first to use the so-called Gorgian figures, which were unknown in Athens before he introduced them but promptly accepted thereafter.

Dionysius was less certain. He says (*de Lys.* 3): ἤψατο δὲ καὶ τῶν

Ἀθήνησι ῥητόρων ἡ ποιητικὴ τε καὶ τροπικὴ φράσις, ὥς μὲν Τίμαιός φησι, Γοργίου ἄρξαντος ἤνικ' Ἀθήναζε πρεσβέων κατέπληξε τοὺς ἀκούοντας τῇ δημηγορίᾳ, ὥς δὲ τάληθὲς ἔχει, τὸ καὶ παλαιότερον αἰεὶ τι θαυματομένη.¹ Evidently he could not feel sure how far Gorgias introduced a new style of speaking, because he did not question the essential accuracy of the speeches ascribed by the historian to Pericles, yet observed in them certain Gorgian traits. He in fact well expresses the dilemma regarding the speeches of Thucydides which was set forth above.

Cicero, with what significance it is hard to tell, names Thrasymachus before Gorgias as having systematically employed antithesis, parison, and the like (*Orat.* 12, 39; cf. 13, 40), though he undoubtedly thought the latter's style more marked by these figures (52, 175). Now Thrasymachus is mentioned in a fragment of the *Δαιταλῆς*² produced early in 427 some months before the deputation from Leontini reached Athens in the autumn of the same year (*Thuc.* III 86). Since Aristophanes would hardly have chosen the new rhetoric as the subject of his first play unless it had been well known, Cicero's statement thus gains a certain strength. Yet he doubtless made no such close calculations of date. No more should probably be deduced from his words than that he or someone from whom he gained his information³ knew that Thrasymachus, who certainly was in Athens before Gorgias, used the Gorgian figures, though in moderation. Thus, if in itself Cicero's statement gives little that is certain, it at least undermines the seeming certainty of Diodorus. That Gorgias in one visit and by a few orations suddenly changed the whole course of Attic prose seems the less probable the more one considers the plot of the *Δαιταλῆς* and the later fame of Thrasymachus.

As one turns from these later citations to those of a period nearer the events in question, much less is heard of Gorgias' innovations. There can be little doubt that no early tradition existed in Athens

¹ But he names only Polus and Licymnius as practising such a style (*de Thuc.* 24, *Ep. II ad Amm.* 2) and elsewhere links the names of Thucydides and Gorgias (*de Demosth.* 4 and 6; *Ep. ad Pomp.* 2, 8).

² Fg. 168, Kock.

³ He elsewhere mentions Aristotle and Theophrastus (*Orat.* 51, 172; 57, 194), the latter of whom is known to have discussed the style of Thrasymachus (*Dion. de Lys.* 6).

concerning the importance of the visit of 427. Gorgias is often mentioned, not unnaturally since he lived into the fourth century, visited Athens several times, left such disciples there as Isocrates and Alcidas, and in his declining years became doubtless to many, as he did to Plato, the great symbol of rhetorical education. Aristotle (*Rhet.* III 1, 1404a 24) cites his poetical style to illustrate an early stage in the development of artistic prose; apparently he considered it not necessarily the only or the first, but rather the best example of the tendency which he is describing. But he was less concerned with style than with argument, and it is perhaps significant that he attributes the development of *κοινοὶ τόποι* equally to Protagoras and to Gorgias (*Rhet.* II 24, 1402a 23; cf. *Soph. El.* 34, 183b 37; Plato, *Phaedrus* 216b, 267a). Yet Protagoras was in Athens probably as early as 450, and since the technical part of his teaching evidently resembled that of Gorgias, it is hard to believe that his style, on the other hand, was quite different.¹

Plato, rather than describe Gorgias' style, consciously imitates it in the *Symposium* in the speech of Agathon.² From the point of view of chronology, the speech is especially interesting since it shows that a person who reached maturity after the Peace of Nicias was most influenced by Gorgias, a fact abundantly confirmed by the fragments of Agathon³ and possibly by the similarities between the *Ἑλένης Ἐγκώμιον* and the speech of Helen in the *Trojan Women*, produced in 415.⁴ Thus, if one is to speak of a thoroughgoing influence of Gorgias in Athens — an influence which inspired pleasure not so much in logical antithesis as in the mannerisms of short balanced clauses, rhyme, and word-play — then one finds it first in Agathon. But Plato certainly did not think that antithesis as such was Gorgian. On the contrary, in the *Protagoras*, the dramatic date of which is before the outbreak of the war, he attributes highly antithetical sentences to Prodicus (*Protag.* 337a-c2), as does Xenophon in the *Memorabilia*

¹ See below, pp. 47, 49-58, 75, 77.

² 194e 4-197e 8. Cf. 198c, *καὶ γὰρ με Γοργίου ὁ λόγος ἀνεμίμνησκεν*, and the following pun on the *Γοργίου κεφαλῇ*.

³ Esp. fgs. 6, 9, 11, 12, 27, 29 (Nauck,² 1926).

⁴ Possibly also by the fact that in the *Birds* of 414 Aristophanes first speaks of Gorgias at some length (1694-1705). He mentions him briefly in the *Wasps*, l. 421.

(II 1, 21-34). Thus if, as is usually believed, Plato tried to be true to history in the setting of his dialogues, we must take it that he distinguished an earlier use of antithesis, which he thought typical of the older sophists, from the mannered and rhymed antitheses of Gorgias, which he considered characteristic of the generation of Agathon.

Moreover, certain facts known to ourselves seem to confirm Plato's judgment. First, although, as will be shown below,¹ the early extant plays of both Sophocles and Euripides reveal abundant and conscious antithesis, these poets never assumed the mannerisms of Agathon. In other words, they acquired their styles in a period when antithesis was common and did not succumb to the extreme and truly Gorgian symmetry of a later generation. Then, the antithetical style of the orator Antiphon may well have been fully formed by 427. At least, Aly's attempt² to date the Tetralogies after 428 on the ground that the *εἰσφοραί* mentioned in Tetralogy A, β, 12, necessarily follow the *εἰσφορά* which Thucydides says was first voted in that year (III 19, 1) cannot be accepted. For an orderly procedure governing such levies is already recognized in the second part of the well known decree of Callias (*I.G.* I² 92, ll. 48, 50), now generally dated in 434/3.³ Thus Thucydides means that the *εἰσφορά* of 428 was the first to be raised in the course of the war, not in the course of Attic history,⁴ and the imaginary defendant of the first Tetralogy speaks of an institution quite accepted in the Periclean Age. But the absence of a *terminus post quem* does not, of course, in itself place the Tetralogies before 427, and although it is impossible to consider here in any detail the vexed question of their date, it can at least be said that, because of their

¹ Pp. 51-59.

² "Formprobleme der frühen griechischen Prosa," *Philologus*, Supplementband XXI, Heft III (1929), p. 116.

³ W. Kolbe, "Das Kalliasdekret," *Sitz.-Ber. d. Berl. Akad.*, 1927, 319 ff. = *Thukydides im Lichte der Urkunden*, Stuttgart, 1930, pp. 50-67. Kolbe's dating is accepted by W. S. Ferguson, *The Treasurers of Athena*, Cambridge, Mass., 1932, p. 153, and B. D. Meritt, *A. J. P.* LV (1934), 263, who reports (*ibid.*, p. 272) the agreement also of H. T. Wade-Gery in spite of the latter's previous argument (*J. H. S.* LI, 1931, 57-85) for the year 422/1.

⁴ So *P.W.*, s.v. *εἰσφορά*, X, 2150. This interpretation of Thucydides is quite natural since he previously (I 141, 5; II 13, 3-6) emphasizes the huge surplus with which Athens entered the war.

more poetical language and greater number of Ionisms, the Tetralogies have been commonly accepted as the earliest of the orator's extant works.¹ Certainly, the fact that Protagoras and Pericles are reported (Plut. *Per.* 36) to have discussed the same subject as is treated in the second Tetralogy tells something of the period when such subjects were of interest,² and the pervasive religiosity of all three works, as well as their extreme reliance on the oldest of the sophistic arguments, that of *εἰκός*, again point to an early date. Then, the contrast of tone between the impassioned third speech of the second Tetralogy and the carefully reasoned fourth speech³ offers a close parallel not only, as will appear below, to the debate between Cleon and Diodotus in Thucydides but also to two debates of tragedy, namely, those between Oedipus and Creon in the *Oedipus Rex* (516-615) and between Theseus and Hippolytus (*Hipp.* 936-1035). In all four cases one sees violent accusation answered by clear and close argument,⁴ and since the reasoning which these debates of tragedy reflect is undoubtedly sophistic (both Creon and Hippolytus use the argument from *εἰκός*),⁵ it seems natural to think of the Tetralogies as preceding either of the plays. For theorists must have been elaborating their new methods of proof for some time before these became sufficiently well known to find a place in tragedy. Further arguments for the Tetralogies' early date may be found in their undoubted difference in language from the orator's later speeches — a difference which has led certain scholars to deny the Tetralogies to Antiphon,⁶ but which seems quite explicable on the assumption of a lapse of time between the two classes of works⁷ — and also in the fact that Thucydides, exiled in 424, knew

¹ Cf. J. H. Thiel, *Antiphons Erste Tetralogie*, Den Haag (1932), p. 13.

² The subject seems to have come up also in Euripides' *Telephus* of 438. Cf. Hyginus, *Fab.* 101 (quoted by Nauck, ² p. 579), where it is stated that the Achaean chiefs begged Achilles to heal Telephus; *quibus Achilles respondit se artem medicam non nosse. tunc Ulixes ait: non te dicit Apollo, sed auctorem vulneris hastam nominat. quam cum rasissent, remediatus est.*

³ In Tetr. B, δ, 2 the speaker refers to his arguments as *λεπτά . . . καὶ ἀκριβῆ*. Jason uses the same words in his debate with Medea (*Med.* 529, 532).

⁴ Cf. "Euripides and Thucydides," pp. 48-9.

⁵ See below, p. 43, n. 1.

⁶ So L. Gernet, *Antiphon*, pp. 6-16, where references are given to earlier writings.

⁷ So Thiel, *Antiphons Erste Tetralogie*, pp. 5-19.

and admired Antiphon (VIII 68, 1-2), who thus was presumably active as a writer during the historian's earlier life in Athens. These indications are doubtless not conclusive, and a new and thorough attempt to date the Tetralogies is much to be desired.¹ Nevertheless, they do tend to confirm Drerup's suggestion that the Tetralogies were composed about 430 and thus to reinforce his view, of which more will be said later,² that their style is quite free from the special Gorgian traits.

Again, in a well known passage of the Mytilenean Debate (III 38, 3; summer 427) Thucydides makes Cleon accuse the Athenians

¹ Interesting recent attempts are those of Thiel (*op. cit.*, pp. 19-22), who argues for a date shortly after 427, and of F. Schupp ("Zur Geschichte der Beweistopik in der älteren griechischen Gerichtsrede," *Wiener Studien*, XLV (1926), 17-28, 173-185), who thinks that the *Palamedes* of Gorgias precedes the Tetralogies and thus would place them nearer 420 (pp. 177-180). But Thiel's arguments are largely stylistic, and if this paper has any merit, the mere presence of antithesis in the Tetralogies does not suffice to place them after the visit of Gorgias. On the other hand, Schupp's valuable paper, in which he treats the proofs used by Gorgias, Antiphon and others, is impaired by his failure to consider the early plays and fragments of Euripides. Thus he argues that Gorgias broadened the topic of *εἰκός* to include four aspects of any crime — namely, the person, act, place, and time (*πρόσωπον, πράγμα, τόπος, χρόνος*) — and suggests that this method became known in Athens only after 427. But in the *Hippolytus* of 428, the hero covers the first two of these subjects in answering the charges of his father, arguing, in ll. 993-1006, that a person of his *σωφροσύνη* would not have been likely to commit such a crime and, in ll. 1007-1020, that the crime itself would have brought him no advantage. The theory of *εἰκός* and the use of *τεκμήρια* are set forth again in fgs. 811 and 812 of the *Phoenix*, which, being mentioned in the *Acharnians* (l. 421), was produced at the latest at the Great Dionysia of 426 only a half-year after Gorgias' arrival and, quite as probably, somewhat earlier. The second of these fragments contains further resemblances to Antiphon in the suggestion that a man is normally true to his *φύσις* (cf. Tetr. B, γ, 1) and that *εἰκότα* are quite as important as the testimony of witnesses (Tetr. A, α, 9). Examples of Schupp's three other topics, *σύγκρισις* (i.e. the argument *a maiore, a minore*, or from the opposite), *ὁρισμός* (definition), *εἰληγμα* (alternatives) are likewise found in the early plays of Euripides. For the first, cf. *Med.* 490-91, 586-87, *Philoctetes* fg. 794; for the second, *Bellerophon* fg. 297; for the third, *ibid.* fg. 292, *Ino* fg. 407. Since, as has been remarked, the use of such arguments in tragedy implies that they were already somewhat familiar to the general public, a theorist such as Antiphon should probably be imagined as writing earlier rather than later.

² Pp. 47-49.

of an empty love of rhetoric. Like Aristophanes in the *Δαιταλῆς* of the same year, he therefore testifies to the prominence of rhetoric before the arrival of Gorgias, and though in an essay on the historicity of Thucydides' style, it would obviously be reasoning in a circle to adduce the balanced clauses of Diodotus as typical of the rhetoric to which Cleon alludes, nevertheless it is in fact difficult to think of that rhetoric in any other context than that of Antiphon's Tetralogies, Cicero's testimony concerning Thrasymachus, and Plato's parody of Prodicus, the more so since the peculiarly antithetical style of Diodotus confirms the rest of the evidence. In short, the Mytilenean Debate offers a test case of the stylistic veracity of Thucydides' speeches; for when Cleon attacks rhetoric and Diodotus replies in cool antithetical sentences quite evidently intended to illustrate a rhetorical training, then to doubt the style means virtually to doubt the substance of the debate. Finally, contrasting the present generation with the older breed of the *Μαραθωνομάχαι* personified by the chorus, Aristophanes in the *Acharnians* (686) represents the former as speaking *στρογγύλοις τοῖς ῥήμασιν*. The best commentary on the word *στρογγύλος*, "well-rounded," "periodic," appears in the *Phaedrus* (234e) where Socrates uses it to describe the foregoing speech which the young Phaedrus had taken from Lysias, a speech which by its formal use of *τεκμήρια* and *εἰκότα* and by its rigid antithetical style is apparently designed to portray or mimic the rhetorical methods pursued by Lysias before he turned *λογογράφος*. In any case, this word well shows what Aristophanes in 425 considered the current oratorical style, and though the citation postdates the first visit of Gorgias by something over a year, still, as in the case of Antiphon's Tetralogies, it is hard to credit to one man and one visit a phenomenon apparently so general. Thus, when Plato distinguishes between an earlier antithetical style of sophists present in Athens before the war and the later more precious symmetry of Gorgias which he ascribes to Agathon in the period after the Peace of Nicias, other evidence from the years in question seems to confirm his judgment.

We may now pass from the ancient testimony on the influence of Gorgias in Athens to the more recent opinions on the subject. Blass, as was remarked,¹ laying great weight on the statement of Diodorus,

¹ P. 36.

attributed antithetical prose as such to the influence of Gorgias, which he accordingly found in the Tetralogies of Antiphon and the speeches of Thucydides. Quite consistently he thought the actual speeches of Pericles could not have resembled those ascribed to him by the historian. And scholars concerned more narrowly with Thucydides accepted Blass's position by calling the historian's style Gorgian because it is antithetical. But other students of rhetoric, notably Norden, Navarre, Drerup, and Aly, advanced a different view.

Impressed by the antithetical nature of Greek speech as such but more particularly by the antitheses, which he listed, in the early plays of Euripides, Norden¹ sought and, as he believed, found the prototypes of the Gorgian figures in Heraclitus, arguing that other sophists as well as Gorgias underwent the latter's influence. Thus, he concluded his remarks on the early sophists by saying,² "Das gemeinsame Band, welches sie alle umschliesst, ist der Kampf gegen das traditionell Bestehende, und er findet seinen sinnlichen Ausdruck in der antithetischen Sprache." Again, alluding to the language of the *Medea* of 431, he said:³ "Nur das können wir mit Sicherheit schliessen, dass durch den Einfluss der in Athen sich aufhaltenden Sophisten die attische Rede schon vor Gorgias durch künstliche Mittel gehoben war." But he contented himself with these pregnant remarks, not attempting to pursue their full implications.

Navarre,⁴ two years after Norden but apparently in ignorance of his work, treated the rhetorical and sophistic movements of the Periclean age in greater detail, but although he thus amassed more evidence concerning the style of the period, he failed to interpret it with Norden's insight. Nevertheless, he established at the start one point of great importance, namely, that no rigid line could be drawn, as it had been by Blass and Jebb, between the Ionian dialectic of the earlier sophists and the Sicilian rhetoric of the later.⁵ For, as he showed, the ties between Athens and the West were close after the founding of Thurii where Protagoras lived as lawgiver and Tisias is said to have

¹ *Die Antike Kunstprosa*, Leipzig, 1898, I, pp. 17-41.

² *Ibid.*, p. 20.

³ *Ibid.*, p. 29.

⁴ *Essai sur la Rhétorique Grecque avant Aristote*, Paris, 1900.

⁵ *Ibid.*, pp. 21-3.

taught. Moreover, Protagoras himself visited Sicily,¹ evolved *κοινὸι λόγοι* similar to those of Gorgias and, as has been said, is reported to have discussed with Pericles the same case of the boy killed accidentally by a javelin that Antiphon treats in his second Tetralogy.² Moreover, the early plays of Euripides confirm the existence of the Sicilian arguments in Athens before the arrival of Gorgias.³ Thus Navarre⁴ could speak of a whole generation between 450 and 430, "qui dans sa façon de raisonner, comme aussi dans les procédés de son langage, a été marquée par les sophistes d'une empreinte ineffaçable. Cette action des Protagoras, des Prodicos, des Hippias, elle éclate dans l'histoire d'un Thucydide comme dans la poésie d'un Euripide; si nous avons conservé quelques unes des oeuvres oratoires de ce temps-là, par exemple celles de Périclès, nul doute qu'elle ne s'y montrât au même degré."

But Navarre was less convincing when he went on to discuss the style of the early sophists, the chief traits of which he listed as poetic diction, amplitude, and distinction in the meaning of words.⁵ Yet a few pages later he declared that the antecedents of the Gorgian style are to be found in tragedy, notably in the early plays of Sophocles, which he contrasted with those of Aeschylus by saying,⁶ "Une première différence, c'est que le nombre de ces figures, ou du moins de certaines d'entre elles, y est infiniment plus considérable," and again,⁷ "l'antithèse, rare chez Eschyle, est un des procédés favoris de Sophocle." And through several pages he carefully listed the examples of antithesis and paronomasia in the *Antigone*. Thus he adduced, though with greater thoroughness, essentially the same evidence as Norden, yet he failed to draw Norden's conclusion that this great advance in reasoned antithetical speech in Sophocles and Euripides over Aeschylus was inspired by the sophistic movement and therefore must reflect its style. On the contrary, he merely concluded that Sophocles was Gorgias' model, not inquiring why Sophocles

¹ [Plato] *Hipp. Mai.* 282d.

² Plut. *Per.* 36. Stesimbrotus, mentioned just below, appears to be Plutarch's authority.

³ See above, p. 43, n. 1.

⁴ Pp. 24-5.

⁶ P. 102.

⁵ Pp. 67-8.

⁷ P. 106.

himself abandoned the magniloquent, poetic tradition of the past for the more exacting, more intellectual manner of the *Antigone*. But even on his own view of the style fostered by the earlier sophists, it is hard to see how the practice of distinguishing between synonyms did not conduce to an antithetical style. Certainly Plato in his parody of Prodicus suggests that it did, as does Xenophon,¹ and the examples of Prodician distinctions in Euripides² and Thucydides³ fall naturally into antithesis. For, after all, antithesis is nothing more than an effective means of isolating and therefore clarifying concepts, and its vogue in fifth-century style, if it grew to be artificial seemingly through Gorgias' influence, at bottom springs from the desire for forceful clarity.⁴ Thus, not only the distinctions of Prodicus but the *ὀρθοέπεια* and *ἀντιλογίαι*⁵ of Protagoras, being likewise attempts to clarify the substance and expression of ideas (in the latter case, of contrasting ideas), seem hardly imaginable except as one posits a widespread use of such style as that of the famous sentence, πάντων χρημάτων μέτρον ἐστὶν ἄνθρωπος, τῶν μὲν ὄντων ὡς ἔστιν, τῶν δὲ οὐκ ὄντων ὡς οὐκ ἔστιν.⁶ Hence, in regard to the style fostered by the early generation of sophists, Navarre, despite his usual penetration, seems himself to present the evidence by which his own view can be questioned.

Norden and Navarre, then, pointed to tragedy as a source of information on prose-style, a legitimate and fruitful procedure since the tragedians were in close touch with all the great contemporary movements, rhetoric not least. Their successor Drerup,⁷ on the other hand, largely confined himself to the notices concerning the early rhetoricians and to their actual fragments, when in a brilliant essay he sought to show that the rudiments of two styles existed in the late Periclean Age: the one, the truly periodic style of Thrasymachus which, though it used antithesis, included it in a rhythmical and

¹ See above, p. 40.

² Cf. H. Mayer, *Prodikos von Keos*, Paderborn, 1913, pp. 48-54.

³ Cf. I 69, 6; II 62, 4; III 39, 2; 72, 1; 82, 4.

⁴ Cf. Arist. *Rhet.* III 9,8: ἡδεῖα δ' ἐστὶν ἡ τοιαύτη λέξις, ὅτι τάναντία γνωριμώτατα καὶ παράλληλα μάλλον γνώριμα.

⁵ *Vorsokr.*,⁵ II, fg. 5 (p. 265).

⁶ *Ibid.*, fg. 1.

⁷ "Theodoros von Byzanz," *Jahrbücher f. class. Philologie*, Supplementband XXVII (1902), 219-372.

rounded whole, and the other and earlier, the antithetical style as such, which aimed at no larger periodic framework. This latter style he regarded as the offspring of eristic¹ — “Sie beruht auf der gegensätzlichen Entwicklung der Gedanken in der Antithese, die in der sophistischen Prosa zu einer Grundlage stilistischer Kunst geprägt worden ist, nachdem sie längst schon von den Vorläufern der Sophisten, einem Heraklit und Zenon, gekannt war.” And he argued that it was wholly from this sophistic inheritance, not from Gorgias, that Antiphon derived the antithetical style of his Tetralogies; for the originality of Gorgias was not to have created that style but to have embellished it. Accordingly he recognized the latter’s influence only in the artificial heightening of the antithesis by means of rhyme and word-play, concluding,² “Deshalb ist es eine sonderbare Verkennung der Grundbedingungen dieses Stiles, wenn man allgemein mit der antiken Stilkritik die Antithese zu den eigentlichen gorgianischen ‘Figuren’ rechnet. Gorgias hat vielmehr den Gegensatz zur Grundlage seines Stiles genommen und auf dieser Grundlage das komplizierte System der schmückenden Figuren aufgebaut, indem er die in der Antithese sich entwickelnden Wortkünsteleien und Klangwirkungen mit Anlehnung an die Kunstmittel der Dichtersprache systematisch ausbildete.” This statement stands as a kind of landmark; for it expounds with force and clarity the view adumbrated by Norden but for the most part still neglected, that the antithesis is not in itself Gorgian but a stylistic principle which Gorgias merely developed. Moreover, Drerup regarded that principle as to some extent dictating its own effects; for in noting the *πάρισα* and *παρόμοια* of the Tetralogies, he could say that they arose not through the conscious application of Gorgian rules (the developed Gorgian figures of the *Helen* and the *Palamedes* being on the whole absent) but were rather³ “das Produkt einer natürlichen rednerischen Veranlagung und einer scharfen logisch-eristischen Schulung des Verstandes.” In other words, granted what was remarked in the last paragraph, that antithesis and parallelism are the readiest instruments of clarity, then a mind trained in eristic debate and grappling with the logic of Sicilian argument would of

¹ *Ibid.*, p. 224.

² *Ibid.*, p. 261; cf. p. 289.

³ *Ibid.*, p. 288.

itself tend to symmetry of expression, the more so since Greek not only supplied the connectives τε-τε, μὲν-δέ but the natural assonances of the verbal and nominal endings. But if one accepts the argument so far, then its application to the style of Thucydides is obvious. Though he expressly abstained from discussing it in detail, Drerup remarked that it ¹ "auf denselben Elementen beruht, wie die ältere sophistische Kunstprosa [i.e. pre-Gorgian prose] und aus ihr ganz offenbar abgeleitet ist." In other words, one should not, like Rittelmeyer ² or indeed Dionysius, consider the historian's antitheses, parallelisms, and occasional assonances as in themselves Gorgian, since they appear likewise in the Tetralogies. Rather on such a theory these figures would reflect the sophistic influences current in Thucydides' youth and apparent in tragedy before 427, whereas the later influence of Gorgias could be shown only in so far as the special Gorgian traits — short equal clauses, abundant word-play, consistent rhyme — likewise appear.

Finally, it will be necessary to speak at greater length of Aly's ³ very suggestive recent monograph, though it seems more valuable for the study of Antiphon than of pre-Gorgian prose, on which it is neither easy to follow nor seemingly quite consistent. On the one hand, Aly speaks of Protagoras, in Athens shortly after 450, as "der Schöpfer der perikleischen Geistigkeit" (p. 133); attributes to him the concept of the unwritten laws (pp. 133, 173) and the contemporary theory of democracy (p. 103); finds in his use of the dialogue and of the antilogy Thucydides' model respectively for the Melian dialogue and the pairing of speeches (pp. 95-101), and in general considers his influence that which "die Denkform des Thukydides von der des Herodot scheidet" (p. 102). Further, he stresses the rise of oratory after the middle of the century (p. 179) and admits the use of certain Gorgian figures in that period (p. 75), since they appear in the Περὶ Ὀμωνοίας of the sophist Antiphon which he follows Altwegg in dating as early as 439 (p. 153).⁴ On the other hand, he thinks of Protagoras as having a figurative and poetic style and as often expounding his ideas by

¹ *Ibid.*, p. 332.

² See above, p. 36.

³ For reference, see above, p. 41, n. 2.

⁴ See below, pp. 65-68.

myths (though it is not clear how such a style or method comports with the logical content of his thought, which accordingly Aly, despite the examples of Heraclitus and Parmenides, declares incapable of real abstraction, p. 173). Similarly, he emphasizes the imagery and the poeticisms of Pericles (p. 81), dismissing any possible stylistic resemblances to the speeches given by Thucydides (p. 79); finally, he says that Gorgias introduced the argument from *εἰκός* (pp. 53, 176) and that rhetorical theory reached Athens in the twenties (*ibid.*).

Now undoubtedly Aly has a very real feeling, nurtured by his studies of Herodotus, for archaic and popular expression; yet he seems too much influenced by Herodotus and too little by tragedy. As has been remarked,¹ the *Hippolytus* of 428 and the *Oedipus Rex*, commonly dated at about the same time,² use the argument from *εἰκός*, as does the *Phoenix* (fgs. 811, 812), produced at the latest in 426 and very possibly somewhat earlier.³ Indeed, as Drerup remarked,⁴ the argument was probably used from the first by Protagoras, being the most natural means of strengthening the *ἡττων λόγος*. The use of *τεκμήρια*, another Sicilian device, is probably attested in the *Ἀλήθεια*,⁵ dated by Aly himself in the thirties,⁶ and certainly in the fragments of the *Phoenix* cited above. Pericles himself uses the device in the famous sentence on the dead in the Samian War, the exact wording of which seems to have been quoted by Plutarch from Stesimbrotus (*Per.* 8, *ad fin.*), οὐ γὰρ ἐκείνους ὀρώμεν, ἀλλὰ ταῖς τιμαῖς, ἃς ἔχουσι, καὶ τοῖς ἀγαθοῖς, ἃ παρέχουσιν, ἀθανάτους εἶναι τεκμαιρόμεθα. In passing, the antithetical arrangement and the assonance of *ἔχουσι* and *παρέχουσιν* should be noticed in this sentence. Thus Aly is incorrect in ascribing the Sicilian arguments to Gorgias.

¹ Pp. 42-43.

² Cf. Schmid-Stählin, *Gesch. d. Griech. Lit.*, I, 2 (1934), p. 361; M. Pohlenz, *Griech. Trag.*, II, p. 63; T. B. L. Webster, *Sophocles*, pp. 4-5. The latter well observes the close similarity of the debates in the two plays cited above, p. 42. Since the arguments of *Hippolytus* transcend and include those of Creon, the *Hippolytus* would appear to be the later play (so D. Grene, "The Interpretation of the *Hippolytus* of Euripides," *C. P.* XXXIV (1939), 53).

³ See above, p. 43, n. 1.

⁴ "Theodoros von Byzanz," pp. 221-2.

⁵ *Vorsokr.*,⁵ II, fg. 44, col. 5, 1-17 (pp. 349-50), where examples are given to confirm a general statement.

⁶ See below, pp. 68-73.

Then again, if one turn to the debate of the *Medea* of 431, an ἄμιλλα λόγων (546) between the heroine and Jason in which the latter, as the chorus remarks (576), expounds the ἡττων λόγος, it is at once apparent that Aly underrates the conscious rhetoric of the Periclean Age. Medea, like Cleon in the Mytilenean Debate (III 39) or the Corinthians at Athens (esp. I 40-41), relies on the argument from τὸ δίκαιον. After stating her husband's shamelessness, she proves it, as do the aforementioned speakers, by retailing her past benefits to him (465-95); she then goes to an appeal to the emotions of the sort attributed to Thrasymachus, and concludes by exclaiming on the wickedness of men (496-519). Jason (522-75), like Diodotus (III 46-7) and the Corcyreans (I 33), relies on the arguments from τὸ συμφέρον and from the irresistibility of natural impulses.¹ Being the second speaker, he adopts a technique of rebuttal similar to that of Antiphon (Tetr. A, β, 1-9)² and, after a brief introduction, refutes her arguments in detail (522-44); then, again like the Corcyreans (I 32,1), he states what he must prove³ and does so, concluding with an attack on women (569-75) which balances Medea's opposite conclusion.⁴ Here then is a perfect example of the pairing of speeches which Aly attributes to Protagoras and considers Thucydides' model, and in fact, as has been said, the speeches have many Thucydidean traits. But quite evidently the rhetorical structure followed by Euripides is more developed than Aly asserts; hence by his own argument the rhetoric taught in Athens by Protagoras was by no means simple, and one can no more say that Gorgias was the first to introduce rhetorical principles than one can attribute the Sicilian arguments to him.

But the structure of the debate in the *Medea* leads on to its style; for just as Medea's and Jason's speeches outwardly balance each

¹ For a fuller discussion see "Euripides and Thucydides," pp. 32-33, 47-50.

² Cf. also the opening paragraphs of the Corinthians (I 37-9) and of Diodotus (III 42-3).

³ Ll. 547-50, ἐν τῷδε δείξω πρῶτα μὲν σοφὸς γεγώς, | ἔπειτα σώφρων, εἴτα σοὶ μέγας φίλος | καὶ παισὶ τοῖς ἐμοῖσιν.

⁴ I omit discussion of the similar debate in the *Hippolytus* in which Phaedra relies on the argument from τὸ καλόν (373-430), and the nurse, very much like Diodotus (III 45), rejoins by stating the irresistibility of natural impulses (433-481). See below, pp. 70-71, and "Euripides and Thucydides," pp. 47-50.

other, so internally they often fall into balanced and symmetrical clauses. Such sentences as those of Jason (569-73),

ἀλλ' ἐς τοσοῦτον ἤκεθ' ὥστ' ὀρθομένης
εὐνῆς γυναῖκες πάντ' ἔχειν νομίζετε,
ἦν δ' αὖ γένηται ξυμφορά τις ἐς λῆχος,
τὰ λῶστα καὶ κάλλιστα πολεμιώτατα
τίθεςθε.

and (601-2),

τὰ χρηστά μή σοι λυπρὰ φαίνεσθαι ποτε,
μηδ' εὐτυχοῦσα δυστυχῆς εἶναι δοκεῖν,

only exemplify a common practice confirmed on almost every page. Such antitheses are perhaps commonest at the conclusion either of speeches or of their natural subdivisions, but they are quite usual elsewhere. Occasionally they are heightened by assonance as in the lines quoted by Norden (408-9, cf. 314-50),

γυναῖκες, ἐς μὲν ἔσθλ' ἀμηχανώταται,
κακῶν δὲ πάντων τέκτονες σοφώταται.

Hence if, as seems inevitable, the structure and argumentation of such a debate as this of the *Medea* reflect the teachings of the early sophists, particularly Protagoras, then the style of the debate must do so equally. It may well be that in narrating a myth such as that ascribed to him by Plato (*Protag.* 320d-322a), Protagoras used the poetic and imagistic style that Aly conceives. Again, the fragment from his speech of condolence to Pericles (*Vorsokr.*⁵ II, fg. 9, p. 268) — the passage most frequently cited as proof that Protagoras used only simple sentences heightened by poetic words — proves merely that, like Antiphon the sophist,¹ he did not use antithesis in narratives. But that the man and the period which delighted in the juxtaposing of opposite ideas should not have carried that principle farther and applied it to the structure of the sentence, particularly when we see Euripides doing exactly that, is incredible. After all, the greater antithesis of conflicting speeches and the lesser antithesis of balanced

¹ See below, p. 75.

sentences spring from the same habit of thought and reflect the same desire, that of clarity enhanced by contrast.

But the *Medea* does not provide the earliest example of opposing speeches couched in antithetical language. Indeed, Drerup¹ could see in Euripides' less poetic idiom and longer sentences the marks of the periodic rather than of the earlier and truly antithetical style, and undoubtedly the technical skill of the debate in the *Medea* implies a period of development during which Euripides mastered the art of debate and imposed his own style on it. It is rather with the *Ajax* and the *Antigone* of Sophocles that the first complete ἀντιλογίαι appear, and these plays, the latter produced in 442 or 441 and the former almost certainly somewhat earlier, reveal very clearly the first stages in the art which was to enjoy so great a vogue as the century progressed. Doubtless, as Aly remarked,² the love of the ἀγών goes even farther back to such contests as those between Homer and Hesiod, Calchas and Mopsus, Solon and Croesus. The ninth book of the *Iliad* shows argument of a high order; and the *Eumenides* of Aeschylus embodies the conflict of two principles. And yet precisely because not even the conflict of the *Eumenides* achieves the clear and pointed expression of opposing speeches, does the emergence of such speeches in the *Ajax* so clearly mark the beginning of a new era when the art of debate was for the first time seriously studied.

The play contains two debates, the one between Ajax and Tecmessa on the obligations of the εὐγενὴς ἀνὴρ, the other between Teucer and Menelaus concerning the ultimate authority in the army at Troy. Both debates are highly symmetrical; in both the concluding lines so pointedly echo each other that, when actually heard, they must greatly have enhanced the effect of symmetry. As we have seen, Jason's and Medea's speeches likewise end with closely similar lines, and there can be no doubt that both playwrights consciously sought, and that the public had come to admire, this somewhat statuesque form of opposition. Thus, after Ajax has concluded (479-80),

ἀλλ' ἢ καλῶς ζῆν ἢ καλῶς τεθνηκέναι
τὸν εὐγενῆ χρῆ. πάντ' ἀκήκοας λόγον,

¹ "Theodoros von Byzanz," p. 229. Cf. Arist. *Rhet.* III 2,5.

² "Formprobleme," p. 98.

Tecmessa, after replying to his arguments and asking for pity, herself concludes (520-24),

ἀνδρί τοι χρεῶν
μνήμην προσεῖναι, τερπνὸν εἶ τί που πάθοι.
χάρις χάριν γάρ ἐστιν ἢ τίκτουσ' αἰεί.
ὅτου δ' ἀπορρεῖ μνήστις εὖ πεπονθότος,
οὐκ ἂν γένοιτ' ἔθ' οὗτος εὐγενὴς ἀνὴρ.

Similarly the debate between Teucer and Menelaus, after the passionate opposition of the stichomythy, ends in two short symmetrical speeches each in the form of a riddle (1142-58).

But if the elaborate symmetry of these debates, remote as it is from anything in Aeschylus, strongly suggests the contemporary influence of Protagoras' ἀντιλογίαι, so does their content.¹ No one would, to be sure, maintain that the debates of the *Ajax* are abstract: Tecmessa's speech, for instance, owes much to the famous appeal of Andromache in the *Iliad* and, throughout, Sophocles seeks a dramatic, not a philosophic contrast. Yet the debates do embody general ideas. Unlike the speeches of the ninth *Iliad*, which concern purely concrete problems, these, as it were, lift the specific to the general, so that the immediate case comes to illustrate a widespread truth.² The matter is not easy to describe; indeed the debates of the *Ajax* illustrate only an early stage in this quality of abstraction, which is far better shown in the *Antigone*, the *Medea*, or the *Hippolytus*. And yet one can at least say that whereas Homer's generalizations almost entirely concern human beings — Odysseus in the ninth book, for instance, speaks as the skilled and realistic orator, Achilles as the impassioned youth, Phoenix as the sage elder, and thus like many of Homer's characters, they embody lasting human attitudes — in the *Ajax*, on the other hand, the first debate turns essentially on the abstract idea of εὐγένεια, the second on that of discipline.

¹ Cf. Schmid-Stählin, I, 2, p. 490, "Mit diesen Wendungen ist schon das Gebiet der antithetischen Denkform betreten, die, bei Aischylos erst erwachend, durch Herakleitos, die Eleaten und besonders durch die rhetorischen Beleuchtungskünste der Sophistik vulgarisiert worden ist."

² *Ibid.*, p. 483, "so dass aus dem Kampf der augenblicklichen Interessen ein Kampf der Grundsätze zu werden scheint."

Take for example the speech of Menelaus. After describing the outrages committed by Ajax (1052-62), he goes on to forbid his burial on the grounds that no state can survive without a hearty fear of authority, since fear alone holds an army together (1073-86),

οὐ γὰρ ποτ' οὔτ' ἂν ἐν πόλει νόμοι καλῶς
φέρουντ' ἂν, ἔνθα μὴ καθεστήκη δέος,
οὔτ' ἂν στρατός γε σωφρόνως ἄρχοιτ' ἔτι,
μηδὲν φόβου πρόβλημα μηδ' αἰδοῦς ἔχων. . . .
ἀλλ' ἐστάτω μοι καὶ δέος τι καίριον,
καὶ μὴ δοκῶμεν δρῶντες ἂν ἡδῶμεθα
οὐκ ἀντιτείσειν αὖθις ἂν λυπώμεθα.

I have already discussed ¹ the marked similarity of idea in this passage not only to the speech of Creon in the *Antigone* (esp. 661-80) but to those of Archidamus in Thucydides (I 80-5; II 11). There can, I think, be no doubt that Menelaus, pointedly referred to as a Spartan (1102), was intended to typify not merely the Spartan but, more widely, the oligarchic attitude. His references to Teucer's ill-birth, to the fact that he was a bowman rather than a hoplite (1120-23),² to the question whether Ajax came as an independent or a subordinate commander (1096-1101) — that issue, paramount since Salamis,³ had not long since come to a head at Ithome — only strengthen the central impression of the lines already quoted. But if so, the similarities of thought between this passage and the speech of Archidamus have an added significance. The fact that in both a Spartan is made to expound in similar language the basic assumptions of the oligarchic state shows that Sophocles was already familiar with certain of those political generalizations which form the essence of Thucydides' speeches. Now Aly ⁴ saw the influence of Protagoras in the debate on constitutions of Herodotus, III 80-2. The great sophist professed a knowledge of government (Plato, *Protag.* 318e), and Aristoxenus found in his *Antilogies* the substance of Plato's *Republic* ⁵ — one

¹ "Euripides and Thucydides," pp. 34-7.

² Cf. Wilamowitz (*Herakles*,² 1933) on *H. F.* 160, where Heracles is insulted for being a bowman.

³ Thuc. I 91, 7.

⁴ "Formprobleme," p. 103.

⁵ *Vorsokr.* II, fg. 5 (p. 265).

thinks especially of Plato's discussion of the different forms of government. Certainly one would believe even without evidence that the rise of democratic Athens stimulated widespread discussion of the contrary assumptions of democracy and oligarchy, but, as it is, the passages where the subject is actually discussed so markedly converge, as I have tried to show,¹ that one can only posit a considerable body of known political argument in the Periclean Age. And the first example of such argument, the more significant because like most of the later examples it appears in a debate, is this passage of the *Ajax*.

Thus, even in this earliest of his extant plays, Sophocles seeks in his debates a fundamental contrast of idea, and though his method is less abstract than that of Euripides who in the *Medea* opposes τὸ δίκαιον by τὸ συμφέρον and in the *Hippolytus* τὸ καλόν by the dictates of nature, yet basically it foreshadows these later debates. The *Antigone* seems to stand midway; for Creon there speaks in more general terms than Menelaus in setting forth much the same arguments (661-80), while Antigone by upholding the ἀγραπτοι νόμοι and the ties of family profoundly expresses the opposite position (450-57). Haemon and Creon likewise expound contrasting but equally general views on parental duty and the obligations of power (639-60, 684-739). In sum, if the later debates of Euripides and Thucydides, as Aly argues and as would doubtless be generally agreed, reflect the continuing influence of the ἀντιλογίαί of Protagoras, then it follows irresistibly that the debates of the *Ajax* and the *Antigone* betray the same influence at an earlier stage. For, although they are less developed than those of Euripides, and although Sophocles, unlike his rival, never was so fascinated by the abstract as to lose sight of purely human and personal motives, yet his debates introduce a method unknown to Aeschylus, in form and structure markedly resemble those of Euripides, anticipate ideas later used for similar contrasts by Thucydides, and in general, like the debates of both these authors, raise the purely personal conflict of situation to the higher conflict of idea. Certainly sophistic debate, if it taught anything, taught exactly this art of seeing the general implications of the specific act.

¹ "Euripides and Thucydides," pp. 34-37 (on oligarchy), pp. 40-43 (on democracy), where the relevant passages (besides those already cited, notably the tract of the Old Oligarch and Euripides' *Suppliants*) are discussed.

Thus by a somewhat circuitous route we return to the question of the antithetical style. As we saw, antithesis strongly marks the debate of the *Medea*, the finished skill of which seemed however to imply an earlier period when Euripides evolved not only his argumentation but, as Drerup contended, the more periodic tendencies of his style. If, therefore, the debates of the *Ajax* and the *Antigone* foreshadow those of the *Medea* and the *Hippolytus*, then their style should do so likewise. And that is in fact the case. The passage already cited from the *Ajax*, being antithetical throughout and closing with an elaborate homoioteleuton, is sufficient evidence from the earlier play, and for the *Antigone* one can perhaps do no better than refer to the exhaustive list by which Navarre supported his contention that Gorgias modeled his style on that of Sophocles.¹ There can, then, be no question that in this period when, I have argued, Sophocles deeply felt the influence of the sophistic debates, he also evolved an antithetical style by which to express them.

But one point of difference between the styles of the two plays may make the matter more clear and at the same time cast further doubt on Aly's contention that Protagoras' style, as well as that of Pericles, must have been primarily figurative and poetic. The difference is that, whereas the style of the *Ajax* is extremely figurative and becomes antithetical largely in the debates, the *Antigone*, though still figurative, stands out as easily the most tightly woven, the most antithetical of Sophocles' plays. In the former one thinks perhaps especially of the great figures drawn from the changes of nature by which Ajax justifies his own submission (670-76), but numerous others occur (8, 17, 140, 169-71, 196, 257, 582, 651, 1253-4), whereas in the *Antigone* the chief examples appear in Creon's tirade against Antigone (473-77, though also 712-17), where they are evidently intended as a contrast to her more measured speech. Now Sophocles, so Plutarch reports,² said that he affected three styles during his lifetime, first, the lofty style of Aeschylus, then an artificial style which he described as *πικρὸν καὶ κατὰ τεχνον*, and finally his most characteristic style, further qualified as *ἡθικώτατον*. One inevitably seeks to apply the statement to the marked changes in style between the *Ajax* and the

¹ *Rhétorique Grecque*, pp. 102-09.

² Plut., *de Prof. in Virt.* 7, cf. Schmid-Stählin, I, 2, 313, n. 5.

Antigone. The former certainly cannot be in the second, so-called artificial manner, and its numerous figures and generally grandiose utterance seem to connect it with the first rather than with the third manner, though, on the other hand, it is definitely less Aeschylean than the fragments of the poet's earliest play, the *Triptolemus*. It may thus possibly illustrate the declining use of the first manner. The *Antigone*, on the other hand, from its very opening so consistently affects a balance and compression quite peculiar to itself — one thinks of such lines as (10),

πρὸς τοὺς φίλους στείχοντα τῶν ἐχθρῶν κακά

or (13-14),

δυοῖν ἀδελφοῖν ἐστερήθημεν δύο,
μῖᾱ θανόντοιν ἡμέρᾳ διπλῇ χερσί, —

that it is difficult not to see in it an example of the second, artificial period.¹ But whether or not one accepts this interpretation, the fact remains that the *Antigone*, composed at a time when Protagoras enjoyed a great reputation in Athens and reflecting the antilogical mode of thought for which he was famous, is also in style the most antithetical not merely of Sophocles' but probably of all extant Greek tragedies. The fact cannot be a mere coincidence. Why should the poet have brusquely abandoned the great tradition of poetic language and why should he have sought the balance and intellectuality of prose, unless he was influenced by prose?

Finally, the decline in imagery between the *Ajax* and the *Antigone* and the increase in antithesis much weakens Aly's contention that not only Protagoras but Pericles sought their effects chiefly through imagery. Unquestionably Pericles used striking and memorable images such as the spring taken from the year, the Boeotians like old oaks breaking their limbs against each other, or war coming like a cloud from the Peloponnesus. But that was doubtless an immemorial usage known also to the old-fashioned Cimon, who called Athens and Sparta

¹ So T. B. L. Webster (*Sophocles*, pp. 143-62), though he underestimates the differences between the styles of the *Ajax* and *Antigone* and hence ascribes both to the second period. On the other hand, K. Reinhardt (*Sophokles*, Frankfurt am Main, 1933, p. 27) finds in the imagery of the *Ajax* a mark of Sophocles' early style.

the yoke-fellows of Greece. Moreover, the practice continued with Antiphon and Gorgias, with whom poetic figures were by no means incompatible with the antithetical style. Now as we have seen, the debates of Sophocles and Euripides are expressed in an antithetical style, and since the debate as a form goes back to Protagoras, it has been argued that the style likewise did. Moreover, we have seen that Sophocles abandoned the grandeur of the *Ajax* for the logical, balanced manner of the *Antigone*, and again it was argued that the change is explicable only by the increasing influence of prose. When, therefore, Aly conceives that Pericles in his actual Funeral Oration primarily relied on imagery and poetic diction, he is crediting him with fashions of speech quite abandoned by Euripides in the *Medea* of the same year, beginning to be abandoned even by Sophocles a decade earlier. Few would deny that tragedy was a living instrument, highly sensitive to the intellectual currents of the time. But if so, it clearly shows that the antithetical style attributed by Thucydides to Pericles would in fact have been familiar to him.

Since the argument, except as concerns Antiphon the sophist, is now complete, it remains only to summarize the chief points hitherto made. The tradition that Gorgias in the autumn of 427 first introduced at Athens not merely the so-called Gorgian figures but the antithetical style as such derives, it was seen, from Diodorus, who almost certainly quotes no more trustworthy a source than Timaeus and, moreover, wrote not as a serious critic of style but for the sweeping purposes of a universal history. Dionysius, though he regards the antithesis as Gorgian and can speak of Thucydides and Gorgias in one breath, expressly doubts the view upheld by Diodorus, and Cicero, possibly on the authority of Aristotle or Theophrastus, attributes antithesis to Thrasyarchus, certainly in Athens before 427. Athenians of the fourth century seem to have been unaware of the importance of Gorgias' visit. Aristotle, who cites his style as best exemplifying the poeticisms of an earlier period of prose, is more interested in his use of set arguments and *κοινὰ τόποι*, which he likewise attributes to Protagoras. Plato contents himself with parodying his mannered style in the speech of Agathon in the *Symposium*, the dramatic date of which is just before the Sicilian expedition, whereas in the *Protagoras*, imagined as taking place in the Periclean Age, he ascribes

a highly antithetical speech to Prodicus. Since Plato was careful to avoid anachronism, we may presumably take it as his opinion that the influence of Gorgias was not to be found in the antithetical style as such, which was used by earlier sophists, but in the artificial heightening of that style by means of the constant balance of clauses and by the equally constant rhyme and word-play which were affected by the younger exquisites such as Agathon. Plato's view, it was argued, is confirmed not merely by the fragments of Agathon but by certain other considerations. First, the styles of Sophocles and Euripides, which show no trace of the narrower Gorgian influence felt by Agathon, were evidently formed when antithesis was common, and are probably more antithetical in their early than in their late plays. Then, if the antithetical style was unknown in Athens before 427, the orator Antiphon must have changed his style with unprecedented speed not only in the Tetralogies, which were doubtless meant for students, but even in the speech on the Samothracian tribute, the unfamiliar mannerisms of which must then have shocked a jury of common men and thus have defeated their own ends. Again, Aristophanes in the *Δαιταλῆς* and Thucydides in the Mytilenean Debate speak of the rhetorical movement as widespread some months before Gorgias arrived, and to dissociate that movement from the antithetical style, particularly when it appears fully developed in Antiphon at or near the time and when Thucydides takes special pains to use it in the speech of Diodotus, truly requires an act of faith. Finally, in the *Acharnians*, produced a year and some months it is true after the arrival of Gorgias, Aristophanes describes the sentences then generally in vogue except among the older men as *στρογγύλοι*, the word used by Plato to describe the balanced sentences of Phaedrus' highly sophistic speech.

Among modern scholars, Blass, it was seen, and others concerned more narrowly with Thucydides accepted the antithetical style as Gorgian and accordingly called the historian's speeches, in style at least, anachronistic. Norden, on the other hand, largely moved by the evidence of tragedy, stated that the style was common among the sophists of the Periclean Age. Navarre, though he refused to dissociate early sophistry from rhetoric on the grounds that Athens was in close touch with the West after about 450, and though he amassed extremely full evidence on the antithetical style of the *Antigone*, lacked Norden's

penetration when, instead of asking how Sophocles came to adopt that style, he tamely deduced that Sophocles was Gorgias' model. To Drerup falls the very great credit of fixing closely on the developed Gorgian traits of rhyme, word-play, and consistent balance, and of stating that only their united presence suffices to prove Gorgian influence. Accordingly, he declared that mere antithesis was not Gorgian, even when, as in the Tetralogies, it is carried out with a certain rigor, but rather reflects the logical method and the search for precision and clarity which were introduced by the first generation of sophists.

Finally, Aly's detailed and in many ways penetrating study of early style gave rise to a fuller treatment of the evidence from tragedy. For, although Aly laid great weight on the dialogues and debates of Protagoras, particularly in their effect on Thucydides, he underestimated both the argumentation which they imply and their evident connection with the antithetical style. It was first pointed out that the use of *εἰκότα* and *τεκμήρια* appears in tragedy before the arrival of Gorgias; then, that the debates of the *Medea* and *Hippolytus* show a very advanced skill in contrasting the arguments from the just and the profitable, the noble and the natural. These same debates, it was seen, are not only symmetrical in outward form, but internally rely on clear and forceful antitheses, and both these traits, the outward and the inward, were found in the earlier *Ajax* and *Antigone*. Further, there seemed reason to believe that these debates of tragedy do in fact reflect the influence of the sophistic *ἀντιλογίαι*, particularly because they follow a recognized form differing from anything known to Aeschylus, and because at bottom they depend on those political and psychological generalizations which were in all probability given currency by the earliest sophists. Finally, it seemed more than a coincidence when Sophocles, in keeping with the spirit of contrast which pervades the *Antigone* and differentiates it from the earlier *Ajax*, also adopted an extremely antithetical style, which, it was suggested, is the style of his second period described by him as *πικρὸν καὶ κατὰ-τεχνον*. In any case, the *Antigone* shows the declining importance of imagery in the tragic style and the great increase of antithesis. This fact, it seemed, could not be dissociated from the current fashions in argument and oratory, but rather encourages the belief that for a

decade before the outbreak of the war, antithesis was, as Plato and Thucydides suggest, a common instrument of speakers.

III

These arguments then tend to discredit the view that Gorgias was, in the famous phrase, the only begetter of the antithetical style. By so doing, they likewise suggest that the speeches of Thucydides more faithfully echo the Athenian oratory which he knew before his exile than has commonly been thought. This is not the place to resume those larger questions which I attempted to discuss before — how far, for example, the accuracy of the speeches suffers through their numerous cross-references and pervading similarity of style¹ or, again, how a rhetoric perhaps appropriate to Athenians comports with Spartans or Corinthians² or, what is more important, whether we should think of fifth-century speakers as using arguments so profoundly general in character as those which appear in Thucydides³ — in short, the larger questions concerning the nature and purpose of Thucydides' speeches. But even though these questions be left aside, still the fact, if granted, that not Gorgias but the sophists of the Periclean Age caused the widespread use of the antithetical style, would immensely enhance the essential truthfulness of the History, the more so since, as was said at the start, the thought both of Thucydides and of his speakers in many important ways demonstrably reflects that of the earlier period of which he writes. If, in other words, we could believe that, when at the beginning of the war, Thucydides first conceived the idea of his History, he inevitably conceived it in terms of the rationalism, the rhetorical method, and the style which were in the air about him, then it would be a matter of less importance for us to fix the exact proportion of fact and interpretation in the speeches (a task ultimately impossible in such complex works of art). For we should at least be able to say that, as a matter of historical fact, the great impulses shaping his thought and his style were felt by him in Athens, and that his book consequently reveals the Athenian

¹ "Euripides and Thucydides," pp. 26-7, 66.

² *Ibid.*, p. 53.

³ *Ibid.*, pp. 51-2, 66.

mind as only something quite native can do. Then, though it were granted that through years of exile Thucydides achieved a greater pregnancy of style and a deeper abstraction of thought, still his book would in essence remain, not a mere interpretation of the past written in a style then unfamiliar, but a work which in style as well as in thought carries the imprint of the past itself.

But the foregoing argument on the antithetical style, thus significant for our opinion of Thucydides, is seemingly confirmed by the fragments of the *Περὶ Ὀμολοίας* and *Ἀλήθεια* of Antiphon the sophist. The question here turns very largely on the dating of the two works, which Altwegg¹ and Aly,² against Jacoby³ and Diels,⁴ ascribed to the decade 440-430. If on examination the formers' views appear to have merit, then these fragments can by no means be neglected as evidence for the sophistic teachings of the Periclean Age. For though broken, they are considerably longer than any similar fragments from the same period, and though somewhat remote in subject-matter from Thucydides and hence less pertinent to the History than more political works would have been, they would at least illustrate certain stylistic fashions current in the historian's early manhood. The further question, seemingly insoluble on the basis of our present knowledge, whether the sophist and the orator Antiphon are one person or two, does not affect our argument. It is perhaps enough to say that Xenophon (*Memor.* I 6), Plato (*Menex.* 236a), and Aristotle do not distinguish between them, though Xenophon includes traits⁵ seemingly appropriate to the orator in a description which is generally taken to be of the sophist, and Aristotle cites now one, now the other, with the simple name Antiphon. Didymus⁶ is the first person known to have distinguished between them, but whether he did so on good authority or merely because he assumed (as he might perhaps in his own time) that a serious forensic orator would not have composed the other more

¹ *De Libro Περὶ Ὀμολοίας Scripto*, Basel, 1908.

² "Formprobleme," 153.

³ *De Antiphontis Sophistae Περὶ Ὀμολοίας Libro*, Berlin, 1908.

⁴ *Vorsokr.*⁵ II, pp. 357, n. 14; 359, n. 2.

⁵ His *φιλαργυρία*, *Mem.* I 6, 11, cf. the papyrus fg. of the *Περὶ τῆς μεταστάσεως* (Gernet, *Antiphon*, p. 165), and Aly, "Formprobleme," p. 110.

⁶ Cf. Hermogenes, *de Id.* I 11, 7, quoted below, p. 64.

general works, is not known. A work on dreams, the purpose of which, as Aly (p. 100) argues on the basis of *de Divinatione*, II 144, was to give opposite and thus mutually destructive interpretations, was ascribed to the sophist, as was a *Πολιτικός*, the nature of which is unknown. Finally, if the Antiphon of Xenophon's portrait is in fact the sophist rather than the orator (the reverse could hardly be the case), then he is apparently as old as Socrates; if there is only one Antiphon, then his dates are those given for the orator, c. 480-411.

Before considering the dates of the two works, it is worthwhile to observe two ancient criticisms of them. The first, on the *Περὶ Ὀμονοίας*, is from Philostratus (*V. Soph.* I 15, 4), who remarks, speaking of Antiphon, λόγοι δ' αὐτοῦ δικανικοὶ μὲν πλείους, ἐν οἷς ἡ δεινότης καὶ πᾶν τὸ ἐκ τέχνης ἔγκειται, σοφιστικοὶ δὲ καὶ ἕτεροι μὲν, σοφιστικώτατος δὲ ὁ Ὑπὲρ τῆς Ὀμονοίας, ἐν ᾧ γνωμολογίαι τε λαμπραὶ καὶ φιλόσοφοι σεμνὴ τε ἀπαγγελία καὶ ἐπηνθισμένη ποιητικοῖς ὀνόμασι καὶ τὰ ἀποτάδην ἔρμηνευόμενα παραπλήσια τῶν πεδίων τοῖς λείοις. Two traits, then, of the *Περὶ Ὀμονοίας* especially impressed Philostratus: the abundance of its γνῶμαι and the poeticisms of its language.

The other commentary is from Hermogenes (*de Ideis* II 11, 7, p. 385 Walz), who, after saying that Didymus distinguished the orator from the author of the *Πολιτικός* and of the two works in question here, goes on to state his own doubts. On the one hand, he says, the two classes of works do differ in style; especially does the *Ἀλήθεια* differ from the rest. On the other hand, the ancient testimony (especially Plato's) does not suggest that there were two men, and though Thucydides is often said to have been the pupil of the orator from Rhamnus, yet τὸν μὲν Ῥαμνούσιον εἰδὼς ἐκείνον, οὐπὲρ εἰσὶν οἱ φονικοί, τὸν Θουκυδίδην δὲ πολλῶ κεχωρισμένον καὶ κεκοινωνηκότα τῷ εἶδει τῶν τῆς Ἀληθείας λόγων, πάλιν οὐ πείθομαι. Hermogenes reasons as follows: Thucydides is said to have been the pupil of Antiphon the orator, but his style more resembles that of the *Ἀλήθεια* than that of the orations, hence the orator must have composed the *Ἀλήθεια*. But, he remarks, since the styles of the two classes of works greatly differ, it may be assumed for purposes of exposition that there were two men, and he goes on to say of the sophist, ὁ δ' ἕτερος Ἀντιφῶν, οὐπὲρ οἱ τῆς Ἀληθείας εἰσὶ λεγόμενοι λόγοι, πολιτικός μὲν ἡκιστα ἐστὶ, σεμνὸς δὲ καὶ ὑπέρογκος τοῖς τε ἄλλοις καὶ τῷ δι' ἀποφάνσεων περαίνειν τὸ πᾶν, ὃ δὴ τοῦ

ἀξιωματικοῦ τε λόγου ἐστὶ καὶ πρὸς μέγεθος ὁρῶντος, ὑψηλὸς δὲ τῇ λέξει καὶ τραχύς, ὥστε καὶ μὴ πόρρω σκληρότητος εἶναι. καὶ περιβάλλει δὲ χωρὶς εὐκρινείας, διὸ καὶ συγχεῖ τὸν λόγον καὶ ἔστιν ἀσαφής τὰ πολλά. καὶ ἐπιμελής δὲ κατὰ τὴν συνθήκην καὶ ταῖς παρίσωσεν χαίρων κτλ. . . . The sophist Antiphon, then, deserts the language of ordinary life, seeking an impression of austerity through his constant generalizations and the roughness of his sounds. His diction is inclined to be unclear, and he is fond of balanced clauses, traits which are thought of as likewise conducing to his austerity.

We may now consider the dates of the two works, and first, that of the *Περὶ Ὀμοιοίας*. The evidence consists almost wholly in its resemblances to certain passages of Sophocles and Euripides, perhaps the most striking of which appear in the long fg. 49.¹ The author is there expounding the difficulties of marriage: if it is unhappy, then to continue it is misery and to end it means the enmity of one's wife's family; if on the other hand it is happy, then to be responsible for another person is unbearable, when to be responsible for oneself is labor enough (οὐκ οὖν δῆλον, ὅτι γυνὴ ἀνδρὶ . . . οὐδὲν ἐλάττους τὰς φιλότητας παρέχεται καὶ τὰς ὀδύνας ἢ αὐτὸς αὐτῷ ὑπὲρ τε τῆς ὑγιείας δισσωὶν σωμάτων κτλ.). As evidence that Euripides knew this passage, Altwegg,² following Dümmler³ and Nestle,⁴ cited *Alcestis*, 882-84,

ζηλῶ δ' ἀγάμους ἀτέκνους τε βροτῶν.
μία γὰρ ψυχὴ, τῆς ὑπεραλγείν
μέτριον ἄχθος,

Hippolytus, 258-9,

τὸ δ' ὑπὲρ δισσωὶν μίαν ὠδίνειν
ψυχὴν χαλεπὸν βάρος,

also *Medea*, 1090-1115, on the troubles of raising children (a passage which closely echoes the last lines of the fragment), and *Medea*, 235-6, where the heroine says of marriage,

κὰν τῷδ' ἀγὼν μέγιστος, ἢ κακὸν λαβεῖν
ἢ χρηστόν,

¹ The references are to *Vorsokr.*⁵ II.

² *Op. cit.*, pp. 60-73.

³ *Akademika*, p. 171.

⁴ *Euripides*, p. 249.

to which one may compare from the present fragment μέγας γὰρ ἀγὼν γάμος ἀνθρώπῳ and the similar alternative that follows. Altwegg pointed to the exact parallel of idea in the first and second of these passages, to the fact that the third is not a commonplace, since children are usually regarded as the protection and stay of their parents, and to the pervading similarity of structure in the fourth. It is true that Jacoby, who wrote independently on the Περὶ Ὀμονοίας in the same year as Altwegg, refused to deduce that Euripides knew the sophist's work.¹ Yet he was able to cite from earlier poets only the statement that marriage can be a blessing or a curse,² and he failed to explain the closer similarities noted above. Diels, therefore, seems nearer the truth when he assumed borrowing on one part or the other,³ though his conclusion that Antiphon was the borrower appears questionable for three reasons. First, when similar ideas are expressed consecutively by one author but in scattered passages by another, it is easy to see how the former could have influenced the latter but difficult to imagine the reverse. Then, the assumption that Euripides was the borrower is the more natural because he reverts to the ideas in question during the limited period from the *Alcestis* to the *Hippolytus*. One need not adduce instances to prove that one man may be influenced by another and lesser man whose ideas for a time fit his own, and then later, as his thought changes, escape that influence. Finally, Euripides seems to develop the ideas in his own and characteristic way. In the *Alcestis*, the view of marriage presented by Antiphon applies, as it does with him, to a man's life; in the *Medea*, to a woman's; in the *Hippolytus*, it concerns not marriage but the life of a nurse. But an essential similarity of expression remains throughout, as if Euripides had in mind a certain fixed series of thoughts which he then increasingly diverted to his own uses.

If these arguments hold, then the Περὶ Ὀμονοίας was written before the *Alcestis* of 438, and in fact it contains two parallels to the *Antigone*, the only other extant play of about the same period. The first, as has often been noted, is between fg. 61, ἀναρχίας δ' οὐδὲν κάκιον ἀνθρώποις, and *Antigone*, 672, ἀναρχίας δὲ μείζον οὐκ ἔστιν κακόν. But it has not

¹ *Op. cit.*, p. 35 (for reference, see above, p. 63, n. 3).

² Hes. *Theog.* 607, *Op.* 702; Semon. fg. 6.

³ *Vorsokr.*⁵ II, p. 357, n. 14.

commonly been observed that the contexts of both passages are closely similar. Just as Creon says that children should learn obedience that they may later become good soldiers who can endure the shock of battle, so Antiphon goes on, ταῦτα γιγνώσκοντες οἱ πρόσθεν ἄνθρωποι ἀπὸ τῆς ἀρχῆς εἵθιζον τοὺς παῖδας ἄρχεσθαι καὶ τὸ κελευόμενον ποιεῖν, ἵνα μὴ ἐξανδρούμενοι εἰς μεγάλην μεταβολὴν ἰόντες ἐκπλήσσοιντο. Then fg. 62, οἷω τις ἂν τὸ πλεῖστον τῆς ἡμέρας συνῇ, τοιοῦτον ἀνάγκη γενέσθαι καὶ αὐτὸν τοὺς τρόπους, echoes the thought of Ismene's lines (563-4),

οὐ γὰρ ποτ', ὦναξ, οὐδ' ὅς ἂν βλάβστη μένει
νοῦς τοῖς κακῶς πράσσουσιν, ἀλλ' ἐξίσταται.

The concept that a man's fortune and environment mold his character, first emphatically expressed by Simonides,¹ plays a large part in the thought of the fifth century, as Thucydides' account of the corruption of character through war and plague and Euripides' pervasive realism well show. The wording of Antiphon's passage is more closely echoed by a fragment of the *Phoenix* (fg. 812),

τοιοῦτός ἐστιν οἷσπερ ἦδεται ξυνών,

but its spirit appears clearly in the realism not merely of the *Telephus*, produced with the *Alcestis* in 438, but of the other plays on human wretchedness which Aristophanes ridicules in the *Acharnians*, 410-79. Now the whole trend of the *Περὶ Ὀμοιοίας* was to portray life, in the words of fg. 51, as εὐκατηγόρητος . . . καὶ οὐδὲν ἔχων περιττὸν οὐδὲ μέγα καὶ σεμνόν, ἀλλὰ πάντα σμικρὰ καὶ ἀσθενῆ καὶ ὀλιγοχρόνια καὶ ἀναμειγμένα λύπαις μεγάλαις. And if these words suggest the sad quietism of Euripides' *Suppliants* (953) or of the conclusion of the *Heracles Mad*, they are certainly as applicable to the earlier plays just noted; for, as we have seen, Aristophanes in 425 already thought of Euripides as portraying above all the commonness and smallness of existence. None of the parallels adduced in this paragraph necessarily point to the specific influence of the *Περὶ Ὀμοιοίας*; indeed the reverse may rather be the case. But they at least show that this work of Antiphon deals

¹ Fg. 4 (Diehl), 10-11, πράξας γὰρ εὖ πᾶς ἀνὴρ ἀγαθός, | κακὸς δ' εἰ κακῶς. Cf. C. M. Bowra, *Greek Lyric Poetry*, pp. 343-4, also "Euripides and Thucydides," p. 51.

with important and well known ideas of the decade before the outbreak of the war, and by so doing, they confirm the date suggested by the more precise parallels of fig. 49.

There seems then no compelling reason why Jacoby¹ should have seen in the *Περὶ Ὁμολοίας* merely a panacea for the discords of Greece which Thucydides describes in III 82-3. It is true that Kramer's² later dissertation, by showing that the word *ὁμόνοια* was commonly used in a civic context, tended to confirm Jacoby's social interpretation of the work against Altwegg's view that it wholly concerned the individual's agreement with himself. Yet the extant fragments, as well as the description in Iamblichus,³ amply prove that Antiphon at least emphasized the individual rather than the state, and no one who has in mind the purely personal problems of love or misfortune which Euripides treated in the thirties can say that such an emphasis is unthinkable at that time. On the contrary, the peaceful years before 431 doubtless left men freer to ponder on the new individualism fostered by the sophists than did the following period of civic and factional heat. Finally, the parallels between Democritus⁴ and the *Περὶ Ὁμολοίας* prove nothing in regard to the date of the latter; for it is not known in what work or when Democritus discussed the subject of concord. That his teachings as a whole were far more systematic than Antiphon's and that his remarks on *ὁμόνοια* (esp. fgs. 250 and 255) appear to have been more social in their implication, may suggest that Democritus was the later. In sum, it is difficult to escape Altwegg's conclusion, accepted categorically by Aly, that the *Περὶ Ὁμολοίας* was composed shortly after 440. Certainly it contains sufficiently close and sufficiently numerous parallels to the works of roughly the same period to cast the burden of proof on those who dispute the dating.

The three papyrus fragments of the *Ἀλήθεια*, the first two of which were published in 1915 by Grenfell and Hunt and the third in 1922,⁵

¹ *Op. cit.*, pp. 9-11.

² *Quid Valeat ὁμόνοια in Litteris Graecis*, Göttingen, 1915.

³ *Vorsokr.*⁵ II, fg. 44a (p. 356).

⁴ Fgs. 200, 227, 250, 255, 276.

⁵ Printed as *Nachträge* in *Vorsokr.*⁴ II, xxxii-xxxvii, they appear in *Vorsokr.*⁵ II as fg. 44.

were unknown to Altwegg and Jacoby, and it has remained principally for Aly¹ to consider the date of the work of which they form part of the second book. On several grounds he ascribes it to the end of the decade 440-430. In the first place, its title reflects the spirit of Parmenides and Protagoras, the former of whom expounded 'Αληθείης εὐκυκλέος ἀτρεμὲς ἦτορ (I, 29-30), while the latter wrote an 'Αλήθεια ἢ καταβάλλοντες. The descending line of influence thus suggested Aly² brilliantly confirmed by an analysis of the mathematical proofs known to the three men. It is unnecessary to restate his argument here: in essence, it is that Antiphon in the first book of the 'Αλήθεια (fg. 13) applied to the problem of squaring the circle the Eleatic idea of infinite divisibility which Zeno, Protagoras, and Anaxagoras knew in a more general and philosophic sense, but that Democritus, on the other hand, not only repudiated the general idea in his atomic theory but specifically rejected its use in the problem to which Antiphon had applied it;³ finally, that Hippias⁴ approached the same problem by a more developed solution apparently unknown to Antiphon. On this view, then, Antiphon would stand after Zeno and Protagoras and feel their influence more strongly than did Hippias, while on the other hand he would definitely precede Democritus, a point which confirms what was suggested of their relationship in the last paragraph. The fact that Anaxagoras, while in prison in 433 on the motion of Diopeithes,⁵ is said to have diverted himself with the same problem (by what solution is not known), indicates, as Aly says, the period when it had come to be of interest.

Then, Aly⁶ seeks a second indication of date in the argument of the papyrus fragments themselves on the relative authority of φύσις and νόμος. It is his general purpose to distinguish an earlier period, when the difference between local and universal law first became apparent, from a later period when that difference was used to justify

¹ "Formprobleme," pp. 115-156.

² *Ibid.*, pp. 115-16, 141-47.

³ Fg. 155. Aly, p. 115.

⁴ Fg. 21. Aly, pp. 144-46.

⁵ Plut. *de Exil.* 17; *Per.* 32. On the date of Anaxagoras' expulsion, cf. H. T. Wade-Gery, "Thucydides the Son of Melesias," *J. H. S.* LII (1932), 220.

⁶ Pp. 117-33.

such doctrines of might as Plato attributes to Callicles and Thrasymachus, and Thucydides to the generals at Melos. For certainly no such doctrines appear in the *'Αλήθεια*, which, as another critic has justly said,¹ merely argues that an individual, whether he wishes or not, must logically prefer the consistent dictates of natural law to the follies and inconsistencies of civic law. Though he presents such an individualism as inevitable, Antiphon apparently does not consider it widespread; much less does he advocate the unrestrained individualism which springs from the contempt of civic law. When, therefore, Aly goes on to ascribe this later unrestrained individualism to the years after the Peace of Nicias and to argue that the *'Αλήθεια* must therefore be sensibly earlier, he seems to have much right on his side, the more so since the distinction between local and universal law was well known to the Periclean Age, as is clear from Empedocles *fg.* 135, *Antigone* 454, Herodotus III 38, and the tradition in Suidas that Archelaus² expounded the doctrine. Both Plato (*Protag.* 337c) and Xenophon (*Mem.* IV 4) cause Hippias to talk of *φύσις* and *νόμος*, but, as Aly remarks, his reputation for encyclopaedic learning suggests that he adopted rather than originated the idea. Aly (p. 133) attributes its widespread currency to Protagoras, and with great likelihood; but however that may be, it is at least certain that by the time of the *Antigone* the doctrine was already well known.

Finally the *'Αλήθεια*, like the *Περὶ Ὀμολογίας*, contains resemblances to the early plays of Sophocles and Euripides. Perhaps the most striking appears in the *Hippolytus* where Phaedra, after describing her futile struggle to quench her love, concludes (403-4)

ἐμοὶ γὰρ εἴη μήτε λανθάνειν καλὰ
μήτ' αἰσχρὰ δρώση μάρτυρας πολλοὺς ἔχειν.

Just so, in the opening lines of the first fragment,³ Antiphon says that a man will succeed best, *εἰ μετὰ μὲν μαρτύρων τοὺς νόμους μεγά(λο)υς ἄγοι, μονούμενος δὲ μαρτύρων τὰ τῆς φύσεως*. For, he continues, transgressions of civic law are punished only when they are known, but transgressions of the law of nature entail their own automatic punish-

¹ F. Altheim, *Klio* XX (1926), 257-270.

² *Vorsokr.*⁵ II, A2 (p. 45).

³ Col. 1, 17-23.

ment¹ — τὰ οὖν νόμιμα παραβαίνων εἰὰν λάθῃ τοὺς ὁμολογήσαντας, καὶ αἰσχύνῃς καὶ ζημίας ἀπήλλακται· μὴ λαθὼν δ' οὐ. τῶν δὲ τῇ φύσει ξυμφύτων ἐὰν τι παρὰ τὸ δυνατὸν βιάζῃται, ἐὰν τε πάντας ἀνθρώπους λάθῃ, οὐδὲν ἔλαττον τὸ κακόν, ἐὰν τε πάντες ἴδωσιν, οὐδὲν μείζον. Now, as was observed above,² the debate between Phaedra and the nurse, like the Mytilenean Debate in Thucydides, turns on the opposite concepts of legal right and inescapable natural force. When, therefore, the nurse, in opposing Phaedra's honorable desire to die, adduces the overwhelming power of Aphrodite (438-458), whose shameful commands, she says, men perforce must obey,

ἐν σοφοῖσι γὰρ
τάδ' ἐστὶ θνητῶν, λανθάνειν τὰ μὴ καλὰ (465-6),

she clearly expounds the same doctrine of natural law as Antiphon and echoes his precept of secrecy. Fragments of the earlier *Hippolytus* (figs. 433, 434) and of the *Bellerophon* (fig. 286) repeat the idea. The next resemblance is found in the *Medea*³ where Creon twice states that a man must anticipate his enemies by vigorous action and not let αἰδώς interfere with policy. In the same way, Antiphon confirms his argument by citing as an example of those who harm themselves by following conventional rather than natural law,⁴ (οἷτινε)ς ἂν παθόντες ἀμύνωνται καὶ μὴ αὐτοὶ (ἄρχ)ωσι τοῦ δρᾶν. It is significant that Thucydides attributes this same realistic outlook to the Corcyreans in 433 (I 33, 4).⁵ The debates of the *Medea* and *Hippolytus*, as has already been said, are permeated with the influence of the sophists, and it would hardly be denied that that influence shows itself as much in a deeper rationalism of outlook as in a more conscious rhetorical skill — indeed the two are merely facets of the same influence. When then these plays present close resemblances to one fragment of the *Ἀλήθεια*, brief as it is, it is difficult not to see in it an example of the sophistic writings which those plays reflect.

Other indications of the same fact exist. For instance, Aly⁶ with

¹ Col. 2, 3-20.

² N. 66.

³ Ll. 289-91, 349 (αἰδούμενος δὲ πολλὰ δὴ διέφθορα).

⁴ Fg. A, col. 4, 31-col. 5, 3.

⁵ Cf. "Euripides and Thucydides," pp. 32-3.

⁶ P. 115.

some probability saw in the words¹ οὐ γὰρ διὰ δόξαν βλάπτεται, ἀλλὰ δι' ἀλήθειαν the contrast between truth and opinion which played an important part in the teachings of Parmenides (1, 29) and probably of Protagoras.² Again, the suggestion of fg. B that it is the mark of barbarians to revere high birth echoes the judgment of Περὶ Ἀέρων Ὑδάτων Τόπων (ch. XVI) and of Herodotus, while the following argument that all men are in fact equal seems inspired by the same enthusiasm for sweeping scientific truths which marks the former of the two works just cited. Then, the doctrine that it is against nature to respect your parents if they are bad seems just such a sophistic tenet as would prompt Aristophanes to say that all pupils of the sophists beat their parents (*Vesp.* 1038, *Nub.* 1338-41, 1420-29). He makes Pheidippides justify the doctrine in Antiphon's way as a law of nature (1427-29), and is again at one with him (fg. 25) in speaking of Δῖνος (380), though certainly Anaxagoras and Diogenes propounded the idea, which Antiphon doubtless merely utilized in his first book. Since Aristophanes must necessarily have travestied only the better known and therefore longer standing sophistic tenets, the doctrines just spoken of were presumably familiar sometime before the *Wasps* and the *Clouds*. In general, it can be said that Aristophanes' portrait of a sophist as partly absorbed in the physical sciences and partly given to novel and subversive ideas on human relations is admirably exemplified in the *Ἀλήθεια*, the first book of which treated the external world and the second, human society. Finally, it may not be far-fetched to see in the *Ἀλήθεια* a certain kinship to the *Antigone*. Both authors contrast universal with local laws, though the pious Sophocles finds in the former a religious, not a natural, force. In Creon's speech to Haemon on a child's duties to his parents (639-47) Sophocles again touches a question which, as we have seen, was treated by the sophist, though again the emphasis of the two works is quite different. Lastly, when Creon says to Antigone that in honoring Polynices she dishonors Eteocles (512-22), he states the dilemma of the third fragment which Antiphon sums up by saying,³ τὸ γὰρ ἄλλους ὠφελοῦν ἅλ(λο)υς βλάπτει. Since Antiphon is illustrating the inconsistencies of civic law,

¹ Fg. A, col. 2, 21-3.

² Plato, *Theaet.* 166d.

³ Col. 2, 30-2.

his use of the idea is again different from that of Sophocles, whose nobility of attitude is nowhere better shown than in Antigone's reply that death cancels such inconsistencies. It need hardly be said that there is no question here of direct influence, but when the *Antigone* as a whole expounds a great philosophic problem with a kind of bare clarity unknown to earlier verse and at the same time canvasses certain of the minor problems which appear in the *'Αλήθεια*, it is perhaps not too fanciful to believe that the vision of Sophocles, like his style, was then being sharpened by the discussions of the first sophists. It would take us far afield to consider whether, in maintaining the sanctity of strong character and the awful but ultimately beneficent power of the gods, Sophocles was in fact opposing an opportunism and an agnosticism which he felt in the sophistic teachings about him. But the fact at least that, in however different a spirit, he yet treats certain of the same questions as Antiphon, suggests something concerning the period when those questions were of interest in Athens.

Thus, although absolute certainty cannot result from such discussions as the foregoing, the strong probability must remain that the *'Αλήθεια* was written some time near or just before the outbreak of the war, perhaps, as Aly suggests,¹ a few years later than the *Περὶ Ὀμολοίας*. Certainly, if both were written considerably later, they would apparently have concerned ideas already somewhat commonplace, an assumption hardly just to their evident seriousness. But if so much be granted, then we may return to the main question of the essay and consider what light is cast by these works on the stylistic fashions of pre-Gorgian Athens. For that purpose the foregoing discussion was perhaps not strictly necessary; for even Jacoby,² though he regarded the *Περὶ Ὀμολοίας* as somewhat later than did Altwegg, agreed that it was written during the early years of the war, a date likewise assumed by Altheim³ for the *'Αλήθεια*. Hence, on any current view the two works might naturally be thought to reflect many stylistic elements of the years before 427. Yet so great has been the magic of Gorgias' name, that it seemed best to set forth somewhat fully the arguments in the case, which in fact tend to support the earlier date.

¹ P. 153.

² *Op. cit.*, pp. 10-11, 35.

³ See above, p. 70, n. 1.

For only by so doing can one transcend the inveterate habit of seeing in the antitheses of early Athenian prose the influence of Gorgias and of Gorgias alone.

It is unnecessary to analyze the style of the *Περὶ Ὁμοιοίας* in great detail since Jacoby¹ has already done so. As Aly observed,² the work is apparently a sophistic epideixis, and as such it may be expected to reveal a poetic cast of speech and an abundance of γνῶμαι foreign to the more scientific Ἀλήθεια. Jacoby noted its use of the old-Attic ξύν,³ of the Ionic -σσ-, of poetic and Ionic words presumably uncommon in normal speech, of words with unusual meanings (it is suggestive that Harpocration often cites from the *Περὶ Ὁμοιοίας*⁴), and of compound words. Significant as these traits are in connection with the language of Thucydides, more significant is the author's marked preference of nouns to verbs. Thus he uses such a phrase as ὑπὲρ τοῦ καθ' ἡμέραν βίου ἐς τὴν ξυλλογὴν⁵ or μεγάλων πόνων . . . εἰς ἀνάγκας.⁶ Similarly, he often makes an abstract noun subject of the sentence (αἱ γὰρ ἡδοναὶ οὐκ ἐπὶ σφῶν αὐτῶν ἐμπορεύονται⁷), uses neuter adjectives in a general sense (ἐν τῷ αὐτῷ δέ γε τούτῳ, ἔνθα τὸ ἡδύ, ἔνεστι πλησίον που καὶ τὸ λυπηρόν⁸), and articular infinitives (καὶ ἐν μὲν τῷ γεγενῆσθαι οὐκ ἔνεστιν, ἐν δὲ τῷ μέλλειν ἐνδέχεται (καὶ τὸ μὴ) γενέσθαι⁹).

This last example leads on to the structure of his sentences which Jacoby¹⁰ summed up by saying, "Nimirum scriptor parallelismum sententiarum adeo excoluit, ut quasi stropham antistropha excipiat." Antiphon commonly connects his sentences, it is true, by repeating a word from one sentence in the next, a practice more reminiscent of

¹ *Op. cit.*, pp. 48-69.

² P. 154.

³ On these usages in early Attic, cf. B. Rosencranz, "Der lokale Grundton und die persönliche Eigenart in der Sprache des Thukydides und der älteren attischen Redner," *Indoger. Forsch.* XLVIII (1930), 127-78.

⁴ Cf. fgs. 67-71.

⁵ Fg. 49, *Vorsokr.*⁵ II, p. 359, 6.

⁶ *Ibid.*, p. 359, 2.

⁷ *Ibid.*, p. 358, 9-10.

⁸ *Ibid.*, p. 358, 8-9.

⁹ Fg. 58, *ibid.*, p. 363, 18.

¹⁰ *Op. cit.*, p. 65.

Protagoras' looser style (cf. fgs. 4 and 9) than of the compression of Thucydides. Moreover, he often uses such lists of nouns as appear in the second fragment of Protagoras just cited. Nevertheless, his style, except in passages of narrative (an exception equally true for Thucydides and Antiphon the orator), is unquestionably based on antithesis and parallelism, the more markedly so, the more abstract and gnomic his thought. A good example is fg. 54, where Antiphon in simple, fluent sentences tells a fable on the use of money. When he sums it up, his style becomes more balanced,¹ ὅτω γάρ τις μὴ ἐχρήσατο μηδὲ χρήσεται, ὄντος ἢ μὴ ὄντος αὐτῷ οὐδὲν οὔτε πλεον οὔτε ἔλασσον βλέπεται. When he adds a general reflection, he falls into truly antithetical clauses, ὅτω γὰρ ὁ θεὸς μὴ παντελῶς βούλεται ἀγαθὰ διδόναι ἀνδρί, χρημάτων πλοῦτον παρασχών, τοῦ καλῶς φρονεῖν (δέ) πένητα ποιήσας, τὸ ἕτερον ἀφελόμενος ἀμφοτέρων ἀπεστέρησεν. Again in fg. 58 one sees how naturally the abstraction of a γνώμη is clarified and made precise by antithesis² — ἐλπίδες δ' οὐ πανταχοῦ ἀγαθόν· πολλοὺς γὰρ τοιαῦται ἐλπίδες κατέβαλον εἰς ἀνηκέστους συμφοράς, αἱ δ' ἐδόκουν τοῖς πέλας ποιήσιν, παθόντες ταῦτα ἀνεφάνησαν αὐτοί. Jacoby³ accordingly rejected Blass's statement that the Gorgian figures were absent from the Περὶ Ὀμοιοῦς by adducing, in addition to the sentences just quoted, such other examples as fg. 49,⁴ δοκοῦντα ἡδονὰς κτᾶσθαι λύπας ἄγεσθαι, and, from the same passage, ἴσα φρονούντας ἴσα πνέοντας, ἀξιώσαντα καὶ ἀξιωθέντα. Yet Blass's view is undoubtedly correct in the sense that the more precise Gorgian traits of the *Helen*, that is, its short balanced clauses, its punning, word-play, and rhyme, are foreign to this work. But if so, one is again led to the conclusion of the previous section, that antithesis, occasionally heightened by *παρίσῳσις* and *παρομοίωσις*, is not in itself Gorgian but, rather, characteristic of an earlier sophistic prose already widespread before 427. It was also argued that, being in essence merely an aid to clarity particularly helpful in abstractions, antithesis must have been used by Protagoras in the debates the influence of which is seen in the early plays of Sophocles and Euripides. Certainly, the fact that Antiphon, revealing as he does certain of the same stylistic traits as Protagoras, uses antithesis for exactly that purpose must seem to confirm such an assumption.

¹ *Vorsokr.*⁵ II, p. 362, 10-12.

² *Ibid.*, p. 364, 3-6.

³ *Op. cit.*, p. 58.

⁴ *Vorsokr.*⁵ II, p. 358, 4-5.

Aly¹ has called the *Ἀλήθεια* an *ὑπόμνημα* or scientific essay, similar in kind to the *Περὶ Ἀρχαίης Ἱητρικῆς* and perhaps, as has recently been argued,² to the tract of the Old Oligarch. In style and feeling it shows little of the exuberance of the *Περὶ Ὀμονοίας* but approaches rather, as Hermogenes suggests, if not the speeches of Thucydides, at least such reasoned expository passages as the Archaeology or the description of *στάσις* (III 82-3). Like the *Περὶ Ὀμονοίας*, it uses the old-Attic *ξύν* but, unlike it, at times the old-Attic *-ττ-*. Its language is not generally poetic or imaginative, but it perhaps even surpasses the other work in its preference for substantives. For example, in the passage³ *εἰ μὲν οὖν τις τοῖς τοιαῦτα προσ(ι)εμένοις ἐπικούρησις ἐγίγνετο παρὰ τῶν νόμων, τοῖς δὲ μὴ προσιεμένοις ἀλλ' ἐναντιούμενοις ἐλάττωσις, οὐκ ἂν (ὀννητον ἂν) ἦν τ(ὸ τοῖς νόμοις πεῖ(σμα. νῦν) δὲ φαίνε(ται τοῖς) προσιεμ(ένοις) τὰ τοιαῦτα τὸ ἐ(κ) νόμου δίκαιον οὐχ ἱκανὸν ἐπικουρεῖν*, the author three times uses an abstract noun in the nominative and once a neuter adjective. Similarly, he has constant recourse to abstract neuter plurals and the articular infinitive. But what most concerns ourselves is the marked symmetry of his clauses. As in the *Περὶ Ὀμονοίας*, he sometimes makes his transitions by repeating words and he occasionally gives lists,⁴ but on the whole, his method is to make a statement and then to analyze it in a series of contrasting clauses which, it must be agreed, admirably clarify his somewhat complex train of thought. The opening lines of fg. A well illustrate his method: *δικαιοσύνη (οὗ)ν τὰ τῆς πό(λεω)ς νόμιμα (έν) ἧ ἂν πολιτεύηται τις, μὴ (παρ)αβαίνειν. χρωτ' ἂν οὖν ἄνθρωπος μάλιστα[θ] ἑαυτῷ ξυμφερόντως δικαιοσύνη, εἰ μετὰ μὲν μαρτύρων τοὺς νόμους μεγά(λο)υς ἄγοι, μονούμενος δὲ μαρτύρων τὰ τῆς φύσεως· τὰ μὲν γὰρ τῶν νόμων (ἐπί-θ)ετα, τὰ δὲ (τῆς) φύσεως ἀ(ναγ)καῖα· καὶ τὰ (μὲν) τῶν νόμων ὁμολογη(θέντ)α οὐ φύν(τ' ἐστί)ν, τὰ δὲ (τῆς φύσ)εως φύν(τα οὐχ) ὁμολογη-θέντα.*⁵ Or again, one may quote,⁶ *καὶ τούτων τῶν εἰρημένων πολλ'*

¹ P. 155.

² K. I. Gelzer, "Die Schrift vom Staate der Athener," *Hermes* (Einzelschriften 3, 1937), 93.

³ Fg. A, col. 5, 25-col. 6, 9.

⁴ Cf. fg. A, col. 2, 30-col. 3, 18.

⁵ The author continues with the longer passage quoted above, p. 71.

⁶ Fg. A, col. 5, 13-24, continued by the first passage quoted on this page.

ἂν τις εὖροι πολέμια τῇ φύσει· ἐνι τ' ἐν αὐτοῖς [δ'] ἀλγύνεσθαι τε μᾶλλον ἐξὸν ἤττω[ι], καὶ ἐλάττω ἡδεσθαι ἐξὸν πλείω, καὶ κακῶς πάσχειν ἐξὸν μὴ πάσχειν. In these two typical passages the author's constant reliance on short antithetical clauses needs no comment, but it is worth observing that he is thus led to emphasize single words with that starkness which has often been observed in the style of Thucydides or of the Tetralogies. Again, though his thought often falls into completely balanced clauses, such symmetry seems to be less a mannerism with him than an inevitable result partly of his struggle for clarity, partly of the similar sounds and number of syllables in the Greek endings. For, like Thucydides and unlike Gorgias, he at other times neglects perfect symmetry, as if he valued it not for itself but for its usefulness. And if in this respect his style differs from that of Gorgias, so in a larger sense does the nature of the tract itself. We have little reason to believe that Gorgias often wrote on speculative and scientific subjects; even his *Περὶ τοῦ μὴ ὄντος* has been regarded as both early and essentially light.¹ Rather, one seems to see in the *'Αλήθεια* the same rationalistic spirit of such a work as Protagoras' *'Αλήθεια ἢ καταβάλλοντες*, the first sentence of which has already been cited² as an example of this same (as one might call it) clarifying use of antithesis. If so, then this work of Antiphon, as the indications of its date suggest, must seem to derive in style as well as in spirit from the earlier sophistic movement which antedated the arrival of Gorgias in Athens by some twenty years.

Thus the argument of this section, except for one concluding point, is at an end. It has been impossible, it is true, to discuss in detail the very real resemblances of thought or language between Antiphon and Thucydides or to analyze the latter's style for resemblances other than those briefly suggested in passing. But such an analysis, even if it had been attempted, would not perhaps have yielded the fullest evidence, especially in regard to the speeches, because these two works of Antiphon, the one probably an epideixis and the other an *ὑπόμνημα*, differ in kind from any speech of Thucydides. It would perhaps be fair to say that the style of a public oration would stand somewhere

¹ H. Gomperz, *Sophistik und Rhetorik*, Leipzig, 1912, pp. 1-35.

² P. 47.

between the exuberant sententiousness of the former and the cool logic of the latter, and would thus mitigate the divergent extremes of each. The aforementioned debates of tragedy, for instance, reveal in the clarity of their argumentation something of the logical spirit and antithetical method of the *ὑπόμνημα*, while at the same time their language is far more varied and their movement less intense. Now, as I have tried to show elsewhere,¹ we have no reason to believe that the oratory of the latter half of the fifth century was specific in content, and concerned, like the speeches of Lysias or most modern oratory, with separate and unique circumstances. Rather, the very arguments from what is likely or profitable or just and the practice both of the tragedians and of Thucydides suggest that men were then primarily concerned with classes of events and the broader aspects of thought, in the light of which they considered specific events. In other words, a peculiar mark of fifth-century thought was its capacity for general ideas, a capacity by no means unnatural even to uneducated audiences in times of great change and opportunity, as the sermons of early Protestantism and the writings of the French and American revolutions clearly show. But if in its manner of reasoning and its concern with broad generalizations, public oratory thus probably did not greatly differ from the debates of tragedy or from these tracts of Antiphon, then it is hard to believe that the antithetical style, which in both these classes of works is merely the vehicle of abstract thought, was unknown to oratory. On the contrary, considering the unity and alertness of Athenian life, we must rather believe that oratory revealed the stylistic and intellectual influences of the early sophists as much as any other class of writings, perhaps more than any other, since the sophists were from the first teachers of oratory. Thus it must appear natural that even the speeches of Thucydides' first books should abound in generalizations couched in antitheses.

This conclusion leads to a final point concerning the remoter origins of the antithetical style. Diels,² believing that Gorgias discovered

¹ "Euripides and Thucydides," pp. 51-2, 66. Cf. A. Croiset, *Thucydide*, p. 101, "de là l'obligation d'aller chaque fois au fond des choses et d'épuiser, pour ainsi dire, la théorie du sujet en question. Ce caractère tient aussi au temps: l'éloquence devait alors être abstraite, par ce que les idées générales n'avaient pas encore été formulées."

² "Gorgias und Empedokles," *Sitzungsber. d. Berl. Akad.*, 1884, 343-68.

antithetical prose, sought his model in the verse of Empedocles; Norden, as has been said, sought it in the sentences of Heraclitus, and Navarre in the early tragedies of Sophocles, though, as they agreed, Greek from the first readily lent itself to such effects of balance and contrast. Now in perhaps no part of early literature are these effects more marked than in the γνῶμαι of Homer and especially of Theognis. The hexameter readily expressed antithesis in such lines as (B 204), οὐκ ἀγαθὸν πολυκοιρανίῃ· εἰς κοίρανος ἔστω,

or (E 531-2), αἰδομένων ἀνδρῶν πλέονες σάοι ἢ πέφανται,
φευρόντων δ' οὐτ' ἄρ κλέος ὄρνυται οὔτε τις ἀλκή.

Even more so did the pentameter, in which the pause at the middle of the line seems naturally to induce a balance of expression. One could cite many such lines from the elegists as these of Theognis and Solon,

οὔτε γὰρ ἂν πόντον σπείρων βαθὺ λήιον ἀμῶς
οὔτε κακοὺς εὖ δρῶν εὖ πάλιν ἀντιλάβοις, (Theogn. 107-8)

or χρήματα μὲν δαίμων καὶ παγκάκῳ ἀνδρὶ δίδωσιν,
Κύρν'· ἀρετῆς δ' ὀλίγοις ἀνδράσι μοῖρ' ἔπεται, (Theogn. 149-50)

or εἶναι δὲ γλυκὺν ὥδε φίλοις', ἐχθροῖσι δὲ πικρόν,
τοῖσι μὲν αἰδοῖον, τοῖσι δὲ δεινὸν ἰδεῖν. (Solon 1, 5-6).

Now, as was argued in the last paragraph, the oratory of the fifth century was undoubtedly much given to generalization. Certainly it could not be denied that the speeches of Thucydides, the debates of tragedy, and the fragments of the sophist Antiphon contain many abstract and general passages and that in these passages antithesis is most marked. Thus, in the new edition of his *Geschichte der Griechischen Literatur*, (I, 2, 483), Schmid could describe the style of Sophocles as gnomic, though at the same time it is antithetical. Hence, rather than follow Diels, Norden, or Navarre in seeking the model of the antithetical style in one or another author, it would seem more natural to suppose that, partly through the native logic of their tongue and partly for clarity's sake, the Greeks from the first associated antithesis with those generalizations which were renewed from age to age in the form of γνῶμαι. Then when, after the middle of the fifth

century, prose increasingly supplanted verse as the vehicle of serious thought, it in turn fell heir to the older tradition of gnomic antithesis and carried it farther, both because the tradition was firmly established and because the generalizations of prose were more complex and hence more in need of analysis. Thus, though the early sophists evolved their sententious and antithetical style to emulate the dignity of gnomic verse, prose soon so surpassed its model in balance and trenchancy, that Sophocles and Euripides, in curtailing the chorus in favor of debates and orations more in keeping with the rational spirit of their age, at the same time affected a more balanced and sententious style than had been used by earlier poets. It is this style that inspired the fragments of the sophist Antiphon and, so it has been argued, the oratory known to Thucydides at the outbreak of the war and later taken by him as the basis of the speeches in his History. Gorgias' part in the development of the style seems therefore much less great than has been supposed. It is possible that he evolved his strict antithetical manner in Sicily some years before 427 and that other sophists carried his teachings to Athens before he actually came. It is more probable that he neither discovered the antithetical style nor brought it into general use, but merely pressed it, so to speak, to its illogical conclusion, seeking in every detail and by every means a symmetry and balance of expression which his predecessors had used with greater moderation and largely for the sake of clarity.

IV

A few words should be added in summary and in apology: in summary, because the foregoing argument has necessarily often strayed from the original question, how far Thucydides' style is representative of his age, and it will therefore be useful to return briefly to the subject in conclusion; in apology, because, as Dr. Jan Ros¹ has recently made clear, the traits of symmetry and balance have doubtless been overemphasized. Dr. Ros pointed out that Thucydides' style relies on three main elements, symmetry, variety (*μεταβολή*), and departure from normal idiom (*ἐξαλλαγή*), and in treating the second of these, he had no difficulty in showing how the historian repeatedly

¹ For reference, see p. 36, n. 5.

softens a too rigorous balance by any one of a number of means tending to variety, for instance, by varying the construction of parallel clauses or by using a synonym instead of repeating a word. He explained the practice by showing that *μεταβολή* (*ποικιλία*) was regarded in antiquity as essential to an artistic style. Now Aristotle similarly emphasizes the importance of unusual and poetic words,¹ and, if the argument of the two preceding pages has any merit, then antithesis, associated as it was with the style of gnomic generalization, also subserved the effect of dignity. In other words, to say that Thucydides sought symmetry and variety of expression and boldness of idiom is merely to say that, for the most part, he followed the contemporary standards of artistic prose. Hence it is somewhat surprising when at the end of his monograph² Dr. Ros speaks of Thucydides' style as unique, and, though that judgment was based on his study of variety, still it naturally leads back to the main subject of this essay. For, as Dr. Ros observes, the principle of variety is merely, as it were, the obverse of the principle of symmetry, its purpose being to add subtlety and richness to an otherwise uniformly balanced style. It is therefore to be expected that the two practices would be found side by side and that when the one became widespread, so would the other.

In fact, as I tried to show in reviewing Dr. Ros's book,³ the variety which he observes in the *History* is equally marked in Antiphon's *Περὶ Ὀμολοίας*. There is no need of repeating the evidence here; it is enough to say that Antiphon too alters his constructions, uses synonyms, and varies tense, mood, and number very much in the manner of the historian. Similarly, a list of such variations compiled from the *Medea* was sufficient to show that *μεταβολή* played its part beside antithesis and balance in the later tragic style which, it has been argued, was much influenced by the writings of the early sophists. Moreover, Antiphon's diction, like that of the sophists, included both the poetic and Ionic forms of tragedy and the newer but equally striking terminology of science. Hence it seems beyond question that, broadly speaking, Thucydides subscribed to the standards of

¹ *Rhet.* III 7, 11. Unusual diction played an even greater part in fifth-century prose (*Rhet.* III 1, 8-10; 2, 5).

² Pp. 458-63.

³ *A. J. P.* LXI (1940), 1 (January).

artistic prose common during his early manhood, standards which, on the one hand, aimed at the dignity of new and searching generalizations and, on the other, embraced the unusual and varied diction of verse and science in a way quite foreign to the purer but more limited prose of the fourth century.

Yet, as Hermogenes remarked,¹ Thucydides' abstractness has something in common with the style of the *'Αλήθεια*, which, however, as a technical work, quite lacks richness and variety but directs its balanced clauses almost wholly to the reason alone. Now in discussing Dr. Ros's book, I ventured to suggest that Thucydides did not seek variety for itself but had it, as it were, thrust upon him by what he conceived to be the nature of his task, namely, to observe the most rigorous and detailed accuracy and, at the same time, to set forth the broader aspects and underlying laws of political behavior. In other words, his History seeks to ally the specific and the general in a way not attempted in the purely abstract *'Αλήθεια*, and thus it is cast in a style far more complex and subtle than the latter's, though, on the other hand, its underlying purpose has unquestionably something of the scientific *ὑπόμνημα*. Thus one could say that Thucydides employs the freer usages of artistic prose, as exemplified in the *Περὶ Ὀμοιοίας*, for an end which resembles, though it far transcends, that of the *'Αλήθεια*. And in so far as his purpose seems to have been unique, one could perhaps say that his style (being far more varied than that of the usual *ὑπόμνημα* or, conversely, more abstract than that of the *epideixis*) is likewise unique. Yet in making such a statement, one must remember that the elements of Thucydides' style — its symmetry, its variety, its boldness of diction — were fully consonant with the sophistic prose which he knew in Athens before his exile, and that his individuality consists merely in his use of these elements, in his blending, as it were, the styles of the *ὑπόμνημα* and the *epideixis*.

Moreover, in regard to the speeches, one must remember that, with the exception of the fragment of Thrasymachus composed a dozen years after Thucydides left Athens, we have no example of a sym-bouleutic speech of the period covered by the History. One must, therefore, be very slow to assert that the Athenians at least among his speakers could not possibly have spoken in some such way as he

¹ See above, pp. 64-65.

says they did, especially when, apart from the general likelihood that a man brought up in Athens would instinctively adopt the manner in use there, we have the following reasons for believing in his essential accuracy. (Here I revert to the arguments advanced above, adding one point discussed in my earlier paper.) First, Thucydides undoubtedly conceived many of his own ideas in Athens; hence the likelihood exists that he likewise conceived there the general concept of his speeches. Then, many of the ideas and forms of argument actually used in the speeches are attested of the period when they were allegedly delivered, a fact which strengthens the previous assumption. Again, the antithetical style, relieved by variety and adorned by poetic and scientific words, was in all probability the creation, not of Gorgias whose mannerisms differ considerably from those of Thucydides, but of earlier sophists whose stylistic teachings are seen both in the prose of the sophist Antiphon and in the earliest extant plays of Sophocles and Euripides. Hence it seems unlikely that the Athenian public, accustomed to the antithetical debates of tragedy, would have expected to hear, or that Pericles, the friend of sophists, would have expected to deliver, a speech, the simple structure of which was merely decked by poeticisms and images.

Then, the practice not merely of Thucydides but of the tragedians (and one could add, pseudo-Xenophon, although his work is seemingly an *ὑπόμνημα* written in a style even simpler than that of the *Ἀλήθεια*)¹ suggests that the Athenians of the fifth century, like other peoples in times of swiftly broadening horizons, preferred those general and inclusive ideas and forms of argument of the sort to which, it has been argued, antithesis was most appropriate both for reasons of clarity and because it was traditionally associated with the style of gnomic generalization. Stylistically such speeches must have combined the scientific abstractness of the *ὑπόμνημα* with the richness of the epideixis in some such way as Thucydides suggests. The point is important; for the generalizations of Thucydides' speeches have probably caused more people to doubt their accuracy than any other single element. And yet it is doubtful whether, once prose has become the subject of serious study, it can be expected to be simple and specific in an age of otherwise grandiose art. Certainly, the style of Addison could not

¹ See above, p. 76, n. 2.

have attended the verse of Shakespeare, but a great period of poetry seems naturally to issue in such poetic and complex prose as that of Thucydides' speeches or Milton's pamphlets.¹ Finally, as I suggested in my earlier essay,² the essential uniformity of style in the speeches (Thucydides characterizes his speakers largely by the ideas which they express rather than by their style) must in part at least reflect the actual practice of a period before marked individuality of speech developed. Only later did Lysias begin the fashion of matching speech to character; before then, a severe and formal type of oratory was doubtless fairly uniform precisely because not even Thrasymachus, with his simpler and more natural diction, wholly evolved a plain style to conflict with the more grandiose.

There is no doubt that Thucydides' speeches are more compressed and thus more abstruse than actual speeches would have been. It is equally certain that they look to one another and play a vital part in his actual History. They may in addition be marked to some extent by the individuality which, as was suggested above, inhered in the very nature of the work. But, on the other hand, there is little reason to believe that the style even of the first speeches would have been inconceivable in the time when they purport to have been delivered. On the contrary, even these speeches are probably representative of the style which Thucydides heard about him and himself learned during his early manhood and many years later attempted to recapture in his History.

¹ Cf. W. R. M. Lamb, *Clio Enthroned*, pp. 308-12.

² "Euripides and Thucydides," pp. 26-28, 66.

LATIN INSCRIPTIONS IN THE VIRGIN ISLANDS

BY ARTHUR STANLEY PEASE

THE following inscriptions, purchased by Mr. Arthur S. Fairchild some twenty years ago and now preserved in his residence at St. Thomas, in the Virgin Islands, came, through Professors S. E. Morison and E. K. Rand, to the attention of the writer, to whom Mr. Fairchild has kindly given information about their history, as well as rubbings, photographs, and courteous permission to publish them.

I

D · M ·

A V R E L · L V C I O

Ḡ · QVI · VIXIT · AN · XL ·

M̄ · II · AVREL · EXSV

PERANTIVS · FIL · ET

AGATHE · CONIVX · B · M · FF ·

D(is) M(anibus). Aurel(io) Lucio c(enturioni) qui vixit an(nis) xl, m(ensibus)ii, Aurel(ius) Exsuperantius fil(ius) et Agathe coniux b(ene) m(erenti) f(ecerunt).

Carved on a slab of white marble of $11\frac{1}{4} \times 11$ inches, in carefully formed *litterae quadratae*, with well developed finials. There are two cases of tall *t*; the tail of *q* expatiates widely; the *r* and *a* of *Exsuperantius* overlap; and *coniux b.m. ff.* is crowded into something like *scriptura actuarial*, with the upper right-hand arm of *x* curving above the line.

The combination *Aurelius Lucius* occurs in *C. I. L.* VI, 225c, 6; 2570; 2670; *Aurelius Exsuperantius* in VI, 377 (*Aurelius Marinus Exsuperantius* in VI, 31095). The inscription was purchased in Rome.

2

D M
C · P A C T V M E I O
P A R I D I · V I X · A N N ·
X L V · F E C E R V N T
P A C T V M E I A P O . . .
E T · C L A V D

D(is) M(anibus). C. Pactumeio Paridi. Vix(it) ann(is) xlv. Fecerunt Pactumeia Po⟨ . . . ⟩ et Claud⟨i⟩.

This inscription, of which the inscribed field now extant measures 10 inches in height by 11 inches in width, was purchased in New York. It is part of a white marble *cippus* with decorative upper corners flanking a gable in which is the relief of a man's head with a snake below. The lettering, though in *scriptura quadrata*, is less careful than in no. 1, and an oblique break has destroyed part of lines 5 and 6. A seventh line is too fragmentary to be restored. In line 5, *Pactumeia P* is probably followed by *o*, with space for about three more letters (perhaps *Polla?*); after *Claud⟨i⟩* in line 6 there is room for six or seven. The gens *Pactumeia* appears in many inscriptions.

3

N · S A C R A T O R I · S P · L
S V C
C A M I L L I A · L · S A T V R N I N

N(umerio) Sacratori Sp(urii) liberto Suc(usana) Camillia L. Saturnin⟨i⟩.

An oblong fragment of white marble, 11¾ x 4½ inches, broken at the right side. Before the first letter there is a larger mark with two strokes **N** twice the height of the letters in the line, and below it a bolt-hole, suggesting that it may be an inscription from a columbarium. The reading of line 1 is uncertain in its last two letters, nor is the mark after the name *Sacrator* (for which cf. Virg. *Aen.* X 74) suffi-

ciently clear to make it sure that that word is in the dative. *Suc* is the regular abbreviation of the *tribus Sucusana* (or *Suburana*, for which see J. E. Sandys, *Latin Epigraphy*,² 1927, 215), but it usually precedes the cognomen. Though not very accurately centered on this stone, its position suggests that lines 1 and 3 did not extend very much more to the right. The first *i* of *Saturnini* is an *i longa*. The inscription was dug up about 1915 in the garden of a friend of Mr. Fairchild near Frascati.

4

A V R E L . . I N G E N V A
F I L . D V L . A V R . V A L E
S C L . I N G E N V A . P . D

Aurel(iae) Ingenua(e) fil(iae) dul(cissimae) Aur(elia) Vale(rii)
. . l(iberta) Ingenua p(osuit) d(edicavit) [or perhaps d(e) <s(uo)>].

Part of a carved sarcophagus bought from Barsanti in Rome. On one end of a slab 24 x 12 inches in size and 4 inches thick is a sunken panel in which the inscription in careless lettering lies between two grotesque heads in relief. The combination *Aurelia Ingenua* is found elsewhere; e.g., *C. I. L.* III, 3678; 13890. The first two letters of line 3 are very uncertain.

5

A S T R A P T I A
N A T . X . K . O C T
V I X I T . M E . V I I I E T
D . X . D P . . K . I V N
I N P A C E

Astraptia nat(a) x K(alendas) Oct(obris), vixit me(nsibus) viii
et d(iebus) x. D(e)p(osita) . k(alendis) Iun(iis). In pace.

A fragment of a Christian sarcophagus, bought in Rome. The inscription, measuring about 4¼ x 4½ inches, in a very crude lettering, is supported at the right by a carved winged figure; at the left, the corresponding figure has been broken off. Line 4 is difficult to

decipher from the rubbing, but Mr. Fairchild feels fairly sure that it ends with *Iun.* After *dp* and before *K* is a single uncertain letter. If Astraptia was born on 22 September and lived 8 months and 10 days, the date of her *depositio* would be the Kalends of June. For *dp* = *deposita*, see the numerous cases in E. Diehl, *Inscr. Lat. Christ. veteres*, III (1931), 512.

6


A brick-stamp of 138 A.D., identical with *C. I. L. XV*, 732.

7

A brick-stamp of the age of the Flavian emperors, identical with *C. I. L. XV*, 1150.

A NEW UMBRIAN INSCRIPTION OF ASSISI

BY JOSHUA WHATMOUGH

AS RECENTLY as 1937¹ I stated, for the first time, the real reasons for the paucity, and also for the peculiar distribution of inscriptions written in what is commonly called the "Umbrian" dialect, all of which belong to the western fringe of Umbria — Gubbio, Assisi, Foligno, Todi, and Spoleto being the only sites which have yielded undisputed Umbrian texts. I added that in all probability this western fringe, and it only, would reveal further texts in the same dialect, being convinced that this conjecture was neither audacious nor imbecile. Had I but known it, the cat was preparing even then once more to jump just that way. It seems to have slumbered undisturbed from 1444, when the Iguvine tables were discovered, to 1835, the year of the discovery of the inscribed statuette of Todi (*ID* 352), and then until about 1869, when the inscription of Foligno (*ID* 354) recording a dedication *cubrar matrer* (gen. sg.), and written in the Latin alphabet of the Gracchan period, came to light. So far as I know, no one has claimed as Umbrian an inscription of Spoleto, published in *Notizie degli Scavi* 1900, p. 131, though its  is the regular Iguvine *h*-symbol; but the cat jumped at Foligno again in 1926, see *Riv. I G I* 12, 1928, p. 225 (Umbro-Latin, and in the Latin Alphabet); and now the jump is back to Assisi.

Through the kindness of my friend and colleague, Professor Mason Hammond of Harvard, for the time being in charge of the School of Classical Studies at the American Academy in Rome, there was sent to me at the end of 1938 a photograph and a rubbing of an inscription discovered in the spring of the same year on the estate of the Countess of Berkeley at Assisi. A new Umbrian inscription, both alphabet and language, is about as unexpected as quintuplets, and my first instinct was to take this as Etruscan. Human disingenuousness and present ignorance of Etruscan being what they are, any brief text discovered

¹ See *Foundations of Roman Italy*, p. 194.

in Italy, if it does not at once seem intelligible, or at least manifestly belong to one of the more copiously recorded and better understood dialects, so that it can be recognized immediately for what it is, is always likely to be claimed as Etruscan (as if to say Erebean), and either, therefore, to be dismissed as not worth further thought, or else to be regarded a fit object, like the sphinx, of human ingenuity, which can always make a little go a long way. Various such mishaps of false classification and wilful interpretation have befallen at various times the Todi bilingual (Keltic), the Zignago stone (*PID* 338, also Keltic), the 'spada di Verona' (Raetic), the Venetic inscriptions, the Negau helmet (Germanic), and even the Iguvine tablets themselves, all of which someone has, in his haste, at some time called Etruscan. The light dawned not merely nor chiefly because a greater bulk of material was accumulated as the years went by, but because some investigator suspended prejudice long enough to examine each problem on its own merits — witness Pauli's analysis of Venetic, which even Mommsen had left in doubt, or Kretschmer's brilliant explanation of the Negau text.

Umbrian, however, is recognizable; and Assisi, to be sure, never was under the domination of the Etruscans, although by no means outside their sphere of influence. Hitherto there was but one known "Umbrian" inscription of Assisi (*ID* 355), of late date and written in the Latin alphabet of the Sullan period; and one very dubious Etruscan text. For a moment even the tell-tale symbol \mathcal{J} in the second line of the newly discovered fragmentary text seemed too good to be true. But the longer I looked at it, the more certain it became that the unexpected had happened — in the place expected.

Further reports from Professor Hammond, in response to my inquiries, confirmed my identification of the \mathcal{J} -symbol. They are also the basis of the account of the inscribed stone that follows. To Professor Hammond, for his generous assistance, and to Lady Berkeley, for permission to publish the inscription, I am deeply grateful.

The inscribed stone is a huge block of the local travertine measuring 150 cm. long, 68 cm. wide, and 56 cm. at its greatest height. It was discovered, about 3 m. below the surface of the ground, during excavations that were being made preparatory to putting in the foundations of a retaining wall of a terrace just below and between the two churches



FIG. 1

of San Lorenzo (no longer in use for religious purposes) and San Vitale at Assisi. These may easily be identified on a plan of Assisi, such as that in Baedeker or in the Guida d'Italia of the Touring Club Italiano, as the buildings to which one comes first on descending the steep road from the medieval castle (Rocca Maggiore) in the direction of the Piazza S. Rufino. The stone is still *in situ*.

As the photograph (Fig. 1) shows, the stone is broken at both ends. There are traces, however, of a worked surface at the end shown in the photograph; at the other end, there is a clean break, which breaks the two lines of the inscription, so that both lines are incomplete and must have been continued, either on an adjoining block, or, more probably, on the missing part of this block. The photograph also shows (marked with the arrow) an obvious door-post hole, 18 cm. in diameter; the other large hole which appears in the photograph is "probably not original, as it gives every trace of being water-worn" [M.H.]. Finally, the photograph shows a worked portion, adjoining the post-hole and measuring, over all, 43 cm. by 67 cm.; it projects from what is in the photograph the upper surface of the stone as it now lies (upside down) on the ground, first by a deep step of 11 cm., and then a very shallow one of 2.5 cm., the first step going in 25.5 cm., and the second, therefore, 41.5 cm. (total 67 cm.). It is clear that the whole block is part of the lintel of a great door or gate-way; and in fact the text of the inscription also makes this clear.

The inscription, the photograph of which (Fig. 2) is taken from a *plaster cast that had had the letters painted in, not always accurately*, so that it must be corrected by Professor Hammond's report (from autopsy), was cut on a portion of the surface, especially prepared for it, namely that which adjoins the worked portion of the stone above described (compare Fig. 3), and hence 67 cm. long; this smoothed surface is some 20 cm. wide. Line 1 of the surviving text measures 58 cm., line 2, which spreads out a little further to the right, 59.5 cm. long; the letters in line 1 are 5 to 5.5 cm. high, and in the lower line 4.5 to 5, 5.5, and 6 cm. high. I read the text, with Professor Hammond, who has answered numerous queries of mine with the stone before him, as follows; and I would emphasize the importance of trusting his reports rather than the photograph of a cast — where doubt might arise in the mind of the reader I shall quote from Professor

Hammond's replies to my questions. In Umbrian alphabet (c. 250 B.C. would be my estimate of date), written right to left:

e s t a c v e r a p a p • [
 m e s t i ç a y i p i e s e i [

This may be translated "hanc portam Pap(irus? *vel sim.*) Mesticia Vibii (f.) Ei(. . .)." There are no interpuncts between words, but a larger space was left between them than between the several letters of a single word, as the photograph (Fig. 2) shows. To a student of the dialects, the brief text is interesting chiefly because it shows that the Umbrian forms *veruf-e*, *uerof-e*, and the Oscan *veru* are acc. pl. neut. (*f* being secondary), and not acc. sg. masc. (with the loss of final *m*): see Buck, *Grammar of Oscan and Umbrian*, p. 119, and note that, beside the later Umbrian *-o* from final long *ā*, Umbrian does show the older *-a* both in the nom. sg. fem. of *ā*-stems (*muta*, *mutu*) and in the neut. pl., nom. and acc., of *o*-stems (*iuka*, *iuku*). Thus Umb. *vera*, *veru(f-e)*, *uero(f-e)*, Osc. *veru* will be a plural of the same kind as Greek *πύλαι* or Lithuanian *vařtai* 'gate' (with which it is of course cognate), or Latin *fores* itself (Delbrück, *Vgl. Syntax* I, pp. 161-162).

Line 1, letter 10: in the cast this looks like some form of *l*, but actually "it is \uparrow , . . . The break to the right of the middle of the staff is a water-hole, and the mark extending to the left of the bottom of the staff hardly seems a deliberate cutting" [M.H.]. Then, after *a* comes another clear \uparrow (*p*), followed by what "might be \downarrow or \uparrow or \downarrow , of which I incline to \downarrow or \uparrow . This would make the last word either *papr* or *papv* or (less likely) *pape*" [M.H.]. In the transcription, we have left the question open, and written *pap.*; but the likelihood that *papr* is the correct reading is suggested by the translation, which assumes a proper name at this point.

Line 2, fifth letter: probably *i*, "since the hole which has deleted the bottom half seems accidental, and no sign of related cuttings shows around it" [M.H.]. Letter 8: "perhaps \uparrow . The bottom is badly water-worn" [M.H.], but the reading \uparrow (*p*) is, according to Professor Hammond, not excluded. On the other hand, the praenomen *Vibius* (here *vipies* gen. sg.) is common in Oscan, and the derivative gentilicium *Vibius* is common both in Oscan (*vibiiai* dat. sg. fem.) and in Umbrian

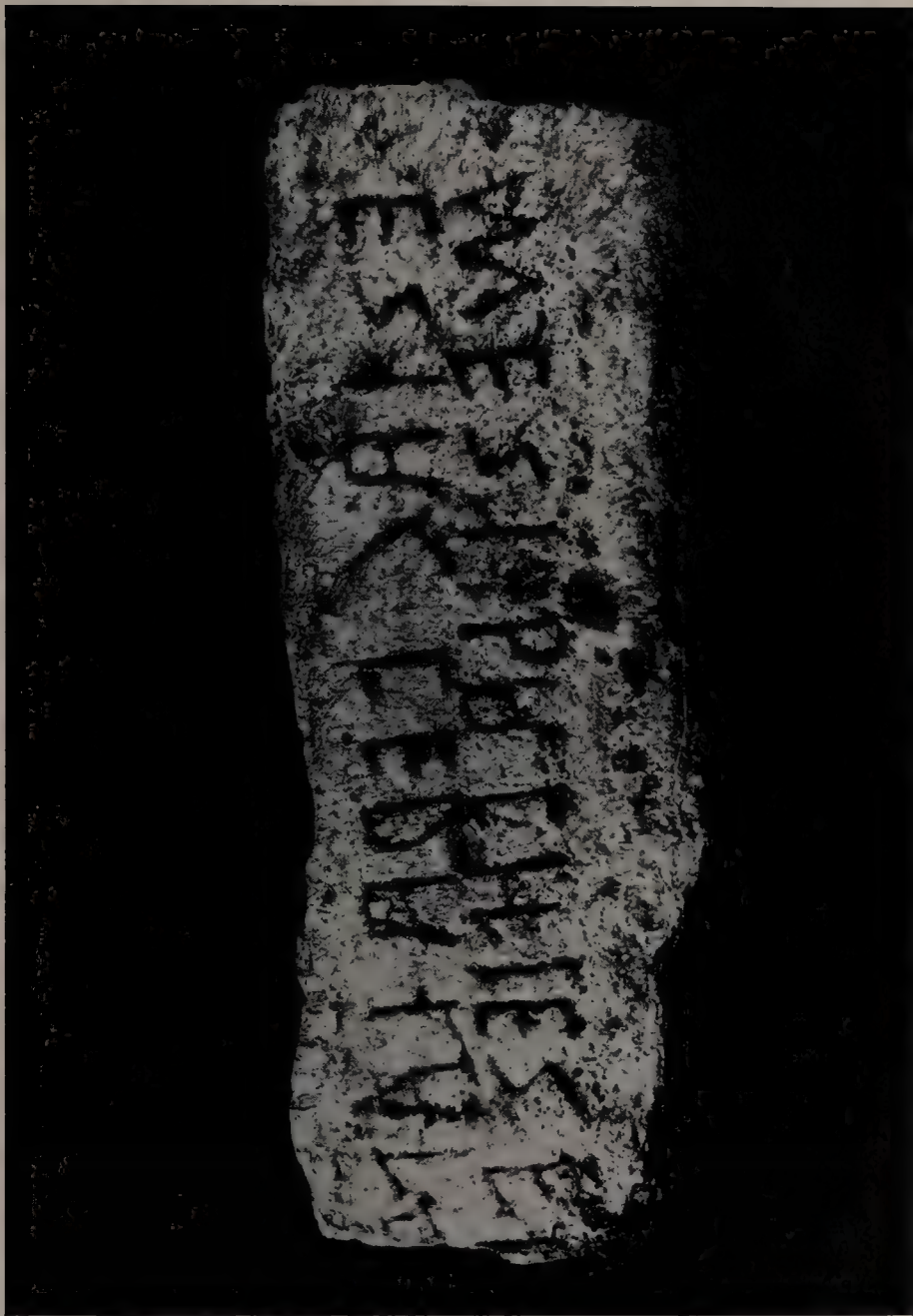


FIG. 2



FIG. 3

(ID 372A), and indeed everywhere in Italy. At the end of this line, the last letter, though damaged at the break, "is probably a complete *i*" [M.H.].

The characteristic \lrcorner (ς , from an older *ki*), \lvert (*t*), and \mathbb{M} (*m*) leave little doubt that we have the normal Umbrian alphabet, despite the use of *p* with the value of the voiced plosive in *vīpies* — but \lrcorner (ς) alone is convincing. The demonstrative *esto*- 'this' was already attested in Umbrian (Buck, p. 143), and also the enclitic particle *-k*, here written \rangle (older \mathbb{X}), which perhaps ought to be transcribed *k* rather than *c*. The forms of *a* and *p* are normal for the Umbrian alphabet, but not peculiar to it.

It remains to mention some other worked stones found with our inscribed stone, or in its immediate vicinity, since they tend to confirm the date indicated by the forms of the letters, and perhaps give some clue to the purpose of the structure to which our inscription referred. For information about these, I am again indebted to Professor Hammond. They include several large pieces of travertine, some smaller pieces, one large piece of worked white limestone, and three or four pieces of pink limestone. One of the large pieces of travertine has a moulding along one side, another a series of dentils, and one of the limestone blocks also has a moulding. The former were found with our inscribed stone, and may well belong to the same structure of which it was originally a part; the latter was found in the garden on the other side of the buildings connecting San Lorenzo and San Vitale. The fragments of mouldings and dentils in travertine at least suggest a date that is not in conflict with the date which we have assumed, on epigraphic grounds, for the inscription. What the precise nature of the structure was there is hardly enough evidence to show, but at all events, the inscription does refer explicitly to a gate-way.

THE MANUSCRIPT TRADITION OF OVID'S METAMORPHOSES

BY RICHARD TREAT BRUÈRE

INTRODUCTION

ALTHOUGH the conclusions of Hugo Magnus concerning the interrelation of the principal manuscripts of the *Metamorphoses* as set forth in the preface of his large exegetical edition of the poem¹ were shown to be dubious more than twenty years ago,² Ehwald,³ Lafaye⁴ and Fabri⁵ have in their editions accepted Magnus' theories uncritically, although each scholar constitutes his text on the basis of a somewhat capricious eclecticism.

The first thorough refutation of Magnus' assumptions was made by W. F. Smith, whose dissertation was summarized in the *Harvard Studies* some years ago.⁶ Smith's work is concerned with supporting the archetype theory rejected by Magnus, and with establishing certain broad divisions between the manuscripts. Because he considered only a limited number of readings and, except for a few plates given in Magnus and various palaeographical publications, followed Magnus' *apparatus criticus*, often ambiguous and in many cases quite incorrect, Smith's work requires a great deal of supplementing and correction. Some of this has been done by Brooks Otis, who like Smith and myself was introduced to the problem of the manuscript-tradition of the *Metamorphoses* in Professor E. K. Rand's Harvard Seminary on the subject. Otis' work,⁷ chiefly dealing with the so-called Lactantian

¹ H. Magnus, *P. Ovidi Nasonis Metamorphoseon libri XV*, Berlin, 1914.

² E. K. Rand, "The New Edition of Ovid's *Metamorphoses*," *Classical Philology*, XI (1916), 46-60.

³ R. Ehwald, *Ovidius, Metamorphoses*, Leipzig, 1915.

⁴ G. Lafaye, *Ovide, les Métamorphoses* (*Collection des Universités de France*), Paris, vol. I, 1928.

⁵ P. Fabri, *P. Ovidii Nasonis Metamorphoseon libri I-V*, Torino, 1934.

⁶ W. F. Smith, *Harvard Studies in Classical Philology*, XXXVI (1925), 183-184.

⁷ B. Otis, "The *Argumenta* of the so-called Lactantius," *Harvard Studies in Classical Philology*, XLVII (1936), 131-163.

Argumenta which appear in a number of the *codices* of the *Metamorphoses*, confirmed Smith's stemma in the main, but also emphasized its incompleteness. Finally I considered the entire problem once more, giving particular attention to a group of manuscripts considered by Magnus to be *deteriores*. A summary of my work may be found in the *Harvard Studies* of 1936,¹ together with a reproduction of the stemma established at the time. Since, however, that essay has never been printed *in extenso* and, furthermore, since subsequent investigation has led me to expand as well as modify my conclusions, it seems justifiable to publish the following summary of results thus far obtained in untangling the *nexus* of the MSS. of the *Metamorphoses*. This paper will be confined to the relations of the MSS. and the history of the tradition, discussion of the much-disputed point of the double-recension being reserved for an article now in preparation by Brooks Otis and myself, and consideration of specific readings, for the introduction to the critical edition of the poem for which Otis and I are assembling the materials.

SIGLA ²

- α (*Frag. Bernense* 363)³ saec. ix. Contains: I 1-199, 304-309, 773-779; II 1-22; III 1-56.
- β (*Mus. Brit. Add.* 11967) saec. x. Contains: II 833-875; III 1-510; IV 298-803; V 1-389, 588-678; VI 1-412.
- β² a corrector of β, saec. xi-xii.
- ε (*Harleianus* 2610) saec. x. Contains: I-III 622.
- ε² a contemporary corrector.
- κ (*Frag. Hauniense: Ny Kgl. Sml. Nr.* 56) saec. xii-xiii.⁴ Contains: IX 324-X 707.
- κ² a corrector of κ, saec. xiii-xiv.

¹ "De Ovidii *Metamorphoseon* aliquot *Codicibus recensendis*," *Harvard Studies in Classical Philology*, XLVII (1936), 215-216.

² Descriptive notes on most of these MSS. will be found in Magnus, *Praefatio*. However for U see D. A. Slater, *Towards a Text of the Metamorphosis of Ovid*, Oxford, 1927, *Prolegomena*, p. 25, and for o and p see Introduction to Lafaye.

³ For α and π see E. Chatelain, *Cinquantenaire de l'École des hautes Études*, Paris, 1921, 289-295.

⁴ E. H. Alton (*Classical Review*, XLIII (1929), 85) and Slater have shown κ to be a fragment of S, the lost *codex Spirensis* cited by Heinsius.

- λ (*Frag. Lips. Rep. I Nr. 74*) saec. ix. Contains: III 131-252.
 λ² an almost contemporary corrector.
 μ (*Frag. Mon. 23612*) saec. xiii. Contains: X 283-XIV 746.
 π (*Frag. Par. 12246*) saec. ix. Contains: I 81-193; II 67-160.
 ρ (*Frag. Rhen.*)¹ saec. xii-xiii. Contains: II 310-439, 637-666, 670-699, 712-732, 745-765, 833-III 85; III 162-182, 193-210, 213-272, 462-598; IV 629-655, 664-687, 698-731, 735-765, 777-800; V 11-163, 176-196, 209-231, 234-260, 263-319, 327-352, 361-388, 391-489, 505-524, 540-559, 563-595, 599-VI 13; VI 26-46, 59-142, 145-175, 179-271, 282-303, 314-335, 596-617, 627-VII 108; VII 119-141, 152-173, 305-326, 336-481, 856-VIII 19; VIII 22-112, 119-142, 150-173, 307-330, 337-422, 425-453, 456-484.
 τ (*Frag. Tegernseense Mon. 29007*) saec. xii. Contains: I 135-189, 295-350; IV 160-189, 482-543; VI 574-637, 638-700; VIII 179-234, 632-687; IX 754-797; X 1-384; XI 670-795; XII 68-131, 325-386; XIII 1-126, 191-318, 383-832, 897-968; XIV 1-54, 183-246, 375-488, 567-630, 696-761; XV 231-363, 430-491, 621-748.
 τ² an almost contemporary corrector.
 υ (*Frag. Vat.-Urbinas 342*) saec. x. (Magnus, saec. xi.) Contains: V 483-VI 45 and VII 731-VIII 104. Magnus is wrong in claiming that υ is composed of fragments of two separate MSS.
 υ² a saec. xii corrector.
 F (*Cod. Mar. Flor. 223*) saec. xi *ex*.
 f a saec. xii-xiii hand.
 f² a saec. xiv hand.
 M (*Cod. Mar. Flor. 225*) saec. xii. (Magnus, saec. xi.) Contains: I 1-XIV 830.
 M² a contemporary corrector.
 m a saec. xiii-xiv hand.
 N (*Cod. Neap. IV F 3*) saec. xii. (Magnus, saec. xi.) Contains: I 1-XIV 838.
 N² a contemporary corrector; n a saec. xiii-xiv hand.
 U (*Cod. Vat.-Urbinas 341*) saec. xii.
 d (*Cod. Diez. B 10*) saec. xii.

¹ *Philologus*, LXXIX (1924), 159-187.

- e (Cod. Amplon. prior Erfurt. I) saec. xii-xiii.
- g (Cod. Graec. 1415) saec. xiii.
- h (Cod. Havn. 2008) saec. xiii ex.
- l (Cod. Laur. XXXVI 12) saec. xii in. Contains: I-XII 298.
- lu (Cod. Lucensis 1417) saec. xi-xii.
- o (Cod. Par. 8000) saec. xii.
- p (Cod. Par. 8001) saec. xii.
- x (Cod. Kings 26 Mus. Brit.) saec. xi-xii.
- Plan. (*Versio Graeca Planudea*) (ed. Boissonade, 1822).

Magnus divides such of these MSS. as he takes into consideration into two classes: O (M N π β κ μ), i.e. MSS. containing the Lactantian *Argumenta* with the addition of μ , lacking the *Argumenta* but closely related to M, and X, MSS. without the *Argumenta*. The O *codices* are descended from a MS. corrected by a scholar in the Late Empire, who also added the Lactantian *Argumenta*. O was mutilated at the end (XIV 831 to end of poem at XV 879 lacking). The X group, which did not undergo this recension, derives from the vulgate of the Early Empire. In a subsequent article ¹ Magnus states that each member of the X family goes back to ancient times by an independent tradition. In a posthumous article,² however, Magnus affirms that those readings and passages in the X family which he rejects do not go back to the Early Empire but are late Medieval interpolations (xi-xii century and later). He nevertheless in many cases prefers X readings to those of O. α Magnus considers separate from the other *codices*, and of great value.

Leaving aside the intrinsic improbability of Magnus' views on the tradition, it should be said that he furnishes no cogent arguments for their adoption. Moreover in his summary treatment of the interrelation of the MSS., the question of the archetype, and the hypothesis of a double-recension, he rejects the modern principles of textual criticism which he had followed with good results in the past.³

¹ H. Magnus, "Neue Bruchstücke einer Ovidhandschrift," *Philologus*, LXXIX (1924), 185.

² H. Magnus, "Ovids Metamorphosen in doppelter Fassung?," *Hermes*, LX (1925), 113-143.

³ H. Magnus, "Studien zur Überlieferung und Kritik der Metamorphosen Ovids, I Das Fragmentum Bernense," *Neue Jahrbücher für Philologie*, LXI (1891), 689-

Furthermore, as Slater pointed out,¹ Magnus did not notice that the *Argumenta* were present in ϵ . Finally, the citations given in Magnus' *apparatus*, although better for some MSS. than for others, are frequently wrong.²

I

THE ARCHETYPE AND THE TRADITION

W. F. Smith put the problem on a firm foundation when he re-established the theory of the archetype. The most significant passages he uses for this are Book I 91-93 (which $a \pi \epsilon N$ have omitted and l has in margin) and Book I 304-306:

	a		b
I 304	<i>nat lupus inter oves</i>		<i>fulvos vehit unda leones</i>
	c		d
I 305	<i>unda vehit tiges</i>		<i>nec vires fulminis apro</i>
	e		f
I 306	<i>crura nec ablato</i>		<i>prosunt velocia cervo</i>

The passage appears thus in $f h e l g d x o p$ and U and $Plan.$ and is thus printed by the editors. However a reads ad, cb, ef , whereas M, N and ϵ read ad, ef (omitting c and b). τ^1 omits c and b and reads ad, ef , but τ^2 writes b over d , and adds cd in the margin. Smith³

706. In particular compare the judicious treatment of the relation of a to other MSS. on the basis of I 304-306 (p. 704) with the dogmatic proclamation of the complete independence of a expressed in the preface (x-xii) of Magnus' edition of the poem.

¹ Slater, *op. cit.*, *Prolegomena*, p. 36.

² In preparation for this paper new collations have been made of $a \beta \epsilon \lambda \pi \tau \nu$. For a H. Hagen's photographic edition of the *Bernensis* 363 was used, for the other fragments photostatic facsimiles most kindly loaned to me by Professor E. K. Rand. MSS. N and U have also been freshly collated for Books I-V. In the case of MSS. and parts of the poem not here mentioned, the collations of Magnus and Slater have been followed, except when otherwise specified, in which case facsimiles of the MSS. have been consulted. About 1000 lines of M , 1000 of l , and 2000 of F have been accessible in photostats. Moreover all citations of d and x are taken from photostatic copies of these MSS. Finally all readings of o and p given are based on collations made by myself in the Bibliothèque Nationale in 1935 and 1937.

³ See Magnus' *apparatus* for references to previous articles considering the

argues that b and c were written between the lines or in the margin of the archetype. Smith's Y, represented by *a*, wrongly joined the two half-lines b and c and made a verse out of them whereas Z, following the archetype, wrote them in the margin or between the lines. Now Smith's Z¹ (parent of M and N) dropped this interlinear or marginal line, his Z² (parent of *ε* and *τ*) copied Z exactly, whereupon *ε* and *τ* dropped the line, the corrector of *τ* wrote it in, whereas Z⁴ (parent of F h e l, etc.) replaced it in the text. According to Smith, Z¹, Z² and Z⁴ are direct copies of Z. Smith did not know about U, but the fact that U reads the entire passage here, although it is connected with M and N, is explained by its being mixed with Z⁴, as we shall see later. This not only shows that Magnus' O and X derive from the same book, but that *a* does as well.¹

Smith's theory of the history of the tradition, although this matter is of secondary importance in actually constituting the text of the poem, should nevertheless be discussed. Smith assumes an Insular archetype, of which two *apographa* Y and Z were made. Y, says Smith, "seems to have been written in Ireland, Z in Italy."² He then speaks of Z¹ (written in France, a copy of Z, parent of *π*), Z² (written in Germany, parent of *ε*, and *τ*), Z³ (an Italian copy of Z¹) and Z⁴ (another French copy). As Professor C. H. Beeson has clearly pointed out, in an as yet unpublished article on the Insular elements in the *codices* of the *Metamorphoses* which he has most kindly permitted me to cite, Smith in the matter of Z has reversed the normal procedure. The story as Professor Beeson tells it is this:

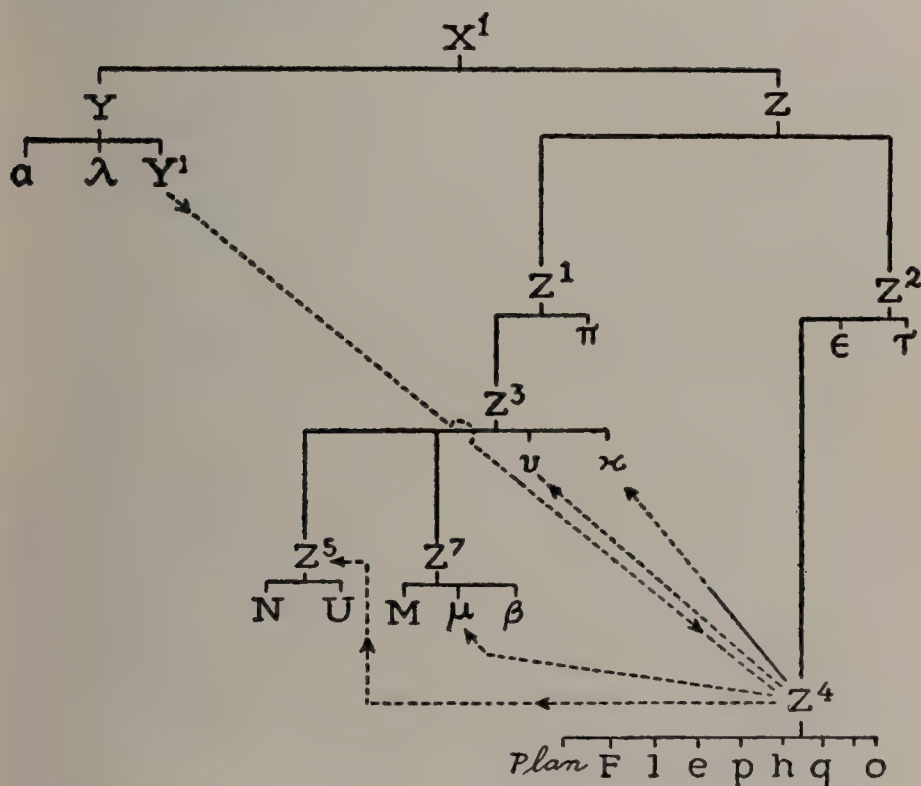
"The archetype originated in the Islands or in some Insular center in France. The *Metamorphoses* were probably known to Aldhelm and certainly to Bede, who quoted them several times. Our oldest MSS. (*a λ π*) are of French origin, all of ninth century (*υ* which is tenth and

archetype question on the basis of this passage. Smith's treatment of this passage is, however, definitive.

¹ This passage shows the common source of *a*, M N (Z¹ descendants), and *ε τ* (Z² representatives). It does not prove that Z⁴ (F l d x h e g o p Plan. etc.) stems from this archetype, although Smith implies that it does. However our proof of the derivation of Z⁴ from Z² (part III) connects Z⁴ with the archetype, as does I 91-93 (see p. 99 above).

² Smith, *H. S. C. P.* XXXVI 183.

possibly written at Fleury could be added to this trio. R. T. B.), and the existence of other MSS. in France is attested by quotations and imitations found in writers of that period: i.e. Angilbert of St. Riquier, Theodulf of Orleans, Florus of Lyons, Milo of St. Amand, Modoin of Autun, Mico of St. Riquier, Ermoldus Nigellus, and Heiricus of Auxerre. There is no sign of such activity in Italy at this time. From France the text went to Germany, and ultimately to Italy, possibly *via* Germany." (Cf. the descent of the Italian MS. Z⁴ from the Franco-German Z², discussed in part III. R. T. B.)



For the sake of clarity and as a basis for discussion I here reproduce the stemma published with the summary of my dissertation in 1936. A treatment of the various parts of this stemma follows in parts III, IV, and V, where evidence will be found for its main subdivisions and justification for the several changes the work of the past two years has made necessary. (Cf. stemma at the end of this article.)

II

Y Y¹ AND Z

Smith separates the MSS. into Z¹ (π), Z² (ϵ and τ), Z³ (M N β ν), Z⁴ (F h e l g Plan.), Z² and Z⁴ he derives directly from Z, a copy of X¹, the archetype, Z³ from Z¹. α and λ he derives from Y, also stemming from X¹, but independent of Z. He holds that Y has some influence on Plan. and Z⁴ on Z². While α is sufficiently different from the descendants of Z to justify our supposing a MS. Y between it and the archetype,¹ and while λ , as we shall presently show, is derived from X¹ but independent of Z, we cannot prove that λ stems from the same MS. as α (i.e. Y). α and λ preserve different parts of the poem.

Now λ , like the other MSS., derives from X¹:

III 212 Pterelas] ² Plan., plerelas λ ϵ β N U l f d x

III 215 Poemenis] β M U, pemenis λ N e, fēmenis ϵ

III 224 Argiodus] Plan., agriodos λ β M, agrihodos ϵ , acriodos N, agriādos U

III 232 Melanchaetes] Plan., melanchates λ β M N U

The following errors, however, are peculiar to λ :

III 184-186 λ omits

III 207 Ichnobates] ichobates λ

III 210 Dorceus et Oribasos Arcades] dorceos et orivasos archades λ

III 213 ferox] fero λ

III 216 Sicyonius] sicyonus λ

III 217 Canache Sticteque] canaces tictaeque λ

III 219 Lacon — fortis Aello] lagon — fortis affio λ

III 220 Cyprio — fratre Lycisce] gryphyon — fratre licicus λ

III 233 Oresitrophos] oresitraphos λ

III 236 cetera turba coit] ceteratur bacoit λ

These errors make it impossible to consider λ an *apographon* of Z,

¹ For a discussion of good readings peculiar to α see Magnus, *Fragmentum Bernense*, 692-697.

² Throughout this paper the readings presented as correct, unless otherwise specified, are those adopted by Magnus.

for if λ followed Z closely why is it that these errors appear neither in Z^1 nor Z^2 ?

The following are the only cases of possible agreement in error between λ and Z^1 :

III 162 incinctus] ϵ F h e l d x U, succinctos λ , succinctus β M l²
Magnus, distinctus N

Here it is by no means certain that *succinctus* is not the correct reading. Assuming *succinctus* to be an error, however, its existence in β and M only shows it was in Z^5 .¹

III 247 videre] ϵ F d e l h x U, videri λ β N

Here again it is not certain that Z^1 read *videri*; the evidence of β (Z^7) and N (Z^5) shows that the error goes back to Z^3 , and in the absence of direct testimony as to Z^3 in this passage it is not unreasonable to assume that Z^3 reproduces the Z^1 reading. However this case and the preceding one are by no means adequate grounds for connecting λ with Z^1 .

In the following readings λ agrees with errors of Z^2 (represented in this part of the Metamorphoses by ϵ alone):

III 138 secundas] λ^2 *codices*, secundus λ ϵ

III 172 Psecas] β U, specas λ ϵ N

III 178 viso nuda] β M N U, nuda viso λ ϵ f h l d x

III 195 cacuminat aures] M N U f e h d x, cacumina taures λ ,
cacumina^e taures ϵ , cacumina t//// β

However in the instances cited below λ preserves a reading better than that of Z^2 (or at least of ϵ):

III 150 croceis invecta rotis Aurora] croceris aurora roris invecta λ , croceis infesta rotis Aurora ϵ

III 171 Nepheleque Hyaleque] nephele hialeque λ , nimphę fi-
aleque ϵ

III 202 fuit] λ *codices*, fugit ϵ

III 207 Ichnobates] ichobates λ , isnovates ϵ

III 211 Nebrophonosque] λ , nebrophonusque ϵ

III 215 Poemenis] pemenis λ , fęmenis ϵ

¹ See stemma p. 101.

- III 216 Sicyonius] sicyonus λ, sitionius ε
 III 230 Actaeon] λ, acthaeon ε
 III 234 exierant] λ, exierat ε
 III 235 anticipata] λ, praecipitata ε
 III 242 hortatibus] λ, latratibus ε
 III 246 oblata] λ, oblatae ε

The above readings show the impossibility of deriving λ from Z².

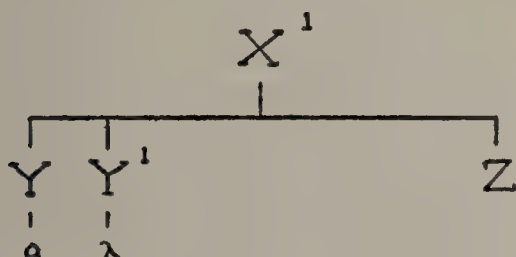
Now in the following instances the reading of λ is superior to that of any MS. descended from Z with the exception of those belonging to the Z⁴ group (F l x d h e o p Plan.), which, as we shall see below,¹ derives from Z² but has been conflated with a source independent of the Z tradition.

- III 149 fortunaeq[ue] Plan., fortuneq[ue] λ, fortunamq[ue] *codices*
 Magnus
 III 176 trahebant] λ, ferebant *codices* Magnus
 III 205 timor hoc pudor] λ e f x Plan., pudor hoc timor ε β M N
 U h l
 III 206 primique] λ, primumq[ue] β M, primusq[ue] N U f h e l x
 III 210 Pamphagos — Oribasos] pamphagos — orivasos λ, pam-
 phagus — oribasus ε N x, pamphabus — oribasus U, pampha-
 cus — oribasus M, pamphacus — oribasus (i in ras.) β
 III 220 Thoos] λ Plan., thois h, thous *codices*
 III 221 et medio nigram] λ, et medio et l, et nigram medio
codices Magnus
 III 233 Therodamas] λ, therimadas l, theridamas *codices*
 III 233 Oresitrophos] Plan., oresitraphos λ, ore sitrophus M h,
^eoresitrophos β, orestrophos ε, oresitrophus U
 III 249 in viscera] λ, in corpora x, in corpore *codices*

We have now seen that although λ descends from the archetype X¹, it cannot be connected with Z, Z¹ or Z². In an impressive number of instances it preserves readings with the true Ovidian ring to be found in none of the MSS. stemming from Z alone. Like α, it stands apart from Z. There are no grounds for deriving it from Y, the MS. intermediary between X¹ and α. It is unlikely that it is a direct copy of

¹ See pp. 105 and 113 below.

X¹. We shall therefore assume a MS. Y¹ intermediary between X¹ and λ. The following diagram expresses these relationships:



III

Z² AND Z⁴

Z² was written in Germany or written in France and brought to Germany. It contained the Lactantian *Argumenta*, presumably in the margin, and was the parent of ε and τ. That ε and τ are from the same immediate ancestor will be apparent from the list of bad readings common to the two MSS. given below. In this section we shall show that Z⁴, the parent of the comparatively early F l x and the later d e g h o p and many other MSS. of Magnus' X class, descended directly from Z² (although Z⁴ also contained readings that Z² certainly did not have).

- I 135 auras] M N U, aurae ε τ f e h l d x o p U² m tegunt
 I 298 terunt] M N U d e l², tegunt ε τ f h l o p m lu, terunt x
 I 313 Phocis] M N U x², ph(f)ocas ε e h l o p x¹, pho/cas τ
 I 317 superantque cacumina] M N (Magnus cites N incorrectly here), superatque cacumine ε τ e h l U lu d x
 I 397 nocebit] M f h l², nocebat ε e l o p d x U, nocebat N (Magnus cites N incorrectly here.)
 I 401 duritiem] N U f l d, durutiem M, duritiam ε e o p x, duriciam h
 I 437 rettulit] M N U f l e, reddidit ε h o d, reddit in x
 I 498 comantur] M N U F d, comerentur ε l p o, comantur x
 I 530 auctaque forma fuga est] M N U, acta via forma est ε (Magnus cites ε incorrectly here), aucta via forma est l x g n,

aucta fuga forma est F e l², aucta deo forma est o p, ^{aucta}apta
fuga est forma d

I 710 conloquium] M l², consilium ε N U F l g d x, consilium h,
solatium o p, solamen lu

II 5 Mulciber] M N U F e d, mulcifer ε l h lu

II 34 infitianda] M N U, inficienda F l e g o p d, infici^aenda ε f

II 55 convenient] M N U F, conveni^aunt ε, convenient d h l

II 392 In this line there would appear, on the basis of Magnus' *apparatus*, to be a significant agreement in error between ε and Z⁴ (*ignipedum*), but Magnus has misread ε, which really has the right reading *igniferum*.

II 393 rexerit] M N h e, rexerat ε F l d g U

II 624 lactentis] M N U h l, lactantis ε F e p o d

II 730 terrena] M, diversa ε N U F h e l p o d

II 863 vix iam vix] M N U, vix ha vix ε h, vix a vix l, vix ah vix e,
vix (et *in ras m*²) vix F

III 14 descenderat] M N U F h e d, discesserat ε g p

III 202 fuit] M N U β e l g o p, fugit ε h β²

III 206 primique] λ, primusque ε f h e l d x U lu ρ (the reading of
ε is omitted by Magnus), primumque β M N

III 207 dedere] β M F h, dederunt ε e g l x p N U h² ρ

III 358 prius] M, prior τ f h e l N U d x lu

IV 521 passisque] β M N, sparsisque τ f h e l o p U d n

VI 691 verto] M N U F, vertam τ F h e l g o p d
ibimus illac

VIII 186 ibimus illac] M N U, et licet armis τ, et licet armis F l h
g d o, ibimus illo e n p

VIII 213 ales] M N U F h e g o p d, aves τ l

X 309 Panchaia] M U F e g κ, panhaica τ l h N

XIII 209 pugnativimus] M N U h e l g o p d, pugnabimus τ F

XIV 47 Zancleia] M N U h e l o p, Zandeia τ F g

XIV 48 ferventes] M N U h e o p d, ferventibus τ F

XIV 400 recludi] M μ h g, recludi τ, recl/udi F, resolvi e²n p U

Although many more examples could be cited, the foregoing suffice to show that sometimes all and sometimes a certain number of the Z⁴ MSS. reproduce errors peculiar to Z².

IV

Z¹ AND ITS DESCENDANTS

Our evidence for Z¹ is furnished by π and in all likelihood by ν . Now π is a fragment of a French MS. probably written at Corbie in the ninth century. (Magnus assigns it to the tenth century.) It contains Tironian notes. There is no reason to connect it with Z²; it is free from some of the errors of the parent of M and β to which, however, it is closely related. ϵ and M omit II 147; π has ν . 147 before ν . 146 (but corrects the wrong order by marginal signs). Here ν . 147 was first omitted by Z due to easy haplography (ν . 146 begins *dum potes*, ν . 147 with *dumque male*), and was then added in the margin or between the lines. Z¹ also had it in the margin or between the lines, Z² and the parent of β and M (β itself does not contain this passage) omit it, whereas Z⁵ inserts it in its proper place. It is possible that Z² had the line in the margin and that only ϵ omitted it; its presence in Z⁴, however, can best be explained as a borrowing from a source independent of Z².

II 165 onere adsueto]; onere (in *in ras m*¹) sueto π ; onera ad-
sueta ϵ ; onere insueto N; onere assueto M U

Here the variant *in/ad* apparently existed in Z. Perhaps π copied *ad* (the original reading in π is entirely conjectural, π being extremely illegible here) and then changed it to *in*. In any event this reading puts π close to Z on the odd Z side (the Z² reading *onera* separates π from Z² here). π nowhere shows evidence of conflation. Its value in the constitution of the text is that taken in conjunction with Z² it enables us to reconstruct the readings of Z with considerable accuracy. Otis,¹ on the basis of the readings of the Lactantian *Argumenta* alone, assigns π to Z¹, thereby providing corroboratory evidence of the most cogent sort.

The Urbinas fragment ² ν I am inclined at present to assign to this

¹ Otis, *H. S. C. P.* XLVII 159.

² This fragment consists of two *folia*, forming ff. 77 and 78 of a *codex* of Juvenal. Each leaf is written in three columns. Three contemporary hands can be distinguished: A f. 77r-77v; B f. 78r-78v, col. 2, v. 29; C f. 78v, col. 2, v. 30 to end.

class rather than to a Z^3 intermediate between the ancestors of β M and N U which I posited in 1936.

Readings that cause us to relate v closely to Z^1 are the following:

V 509 *ad . . . auditas . . . voces*] U Z^4 , *ut . . . auditas . . .*
auditas N²
voces v, ut . . . audita . . . voce M, *ut . . . audivit . . .*
voces N

Here the error *ut* for *ad* arises in Z^1 . v copies Z^1 literally, Z^3 and Z^5 emend in different ways, each, however, preserving the *ut*. The Z^2 reading, as the unanimity of the Z^4 MSS. convinces us, was *ad*, which is right. U took its reading from Z^4 .

V 526 *amor est neque erit*] M Z^4 , *amare neque enim v, amor est*
neque enim N U

Here the simple error of *amare* for *amor est* can best be explained as a slip of v itself. There was evidently some obscurity about the way *erit* was written in Z^1 , for v and Z^5 independently misread it, while Z^3 alone gets it right.

V 543 *testemque profanam*] N, *pestemque profanam v, (t² ex*
p)estemque profanam M, *testemque profanum* F h e l p d x

Here the variant *pestemque profanam* *testemque profanum* apparently existed in Z. Z^1 kept both, Z^3 chose *pestemque profanam*, Z^5 *testemque*

These hands merely show that different scribes were at work copying the same MS. A twelfth century hand, conflated with Z^4 , has made a number of alterations on *f.* 77 but not on *f.* 78. A remarkable feature of v is an abbreviation for *e*. For example, *f.* 77r, col. 3, v. 22 (V 596) *āstus* for *aestus*; *f.* 77, col. 1, v. 17 (V 624) *m̄* for *me*. Here a second hand has added the letter *e*. The *e* is plainly not by the same hand that wrote the *m̄*; the ink is different as well. It is not, however, the work of the twelfth century corrector. *F.* 78r and the part of 78v written by hand B have a large number of instances of *m̄* for *me* (VII 736 *m̄a* for *mea*; also 739 *dare m̄* for *dare me*; 745 *m̄i* for *mei* etc.). In VII 736 we have *tenris* for *teneris*. For *n̄ ne* and *d̄ de* cf. Lindsay, *Notae Latinae*, pp. 327-330. Professor Rand considers that *m̄* for *me* is an early abbreviation. Since *m̄* for *men* is common in Carolingian and later script, the continued use of *m̄* for *me* would cause confusion. *m̄* for *me* was abandoned when *m̄* for *men* became prevalent. It should be noted, moreover (*Notae Latinae*, p. 331), that *m̄* for *men* is an ancient *nota* which did not take hold either in Spain or in the Islands. Further information about this abbreviation is highly desirable.

and *profanam*, Z² (copying Z of course) *testemque profanum*. Here again *v* is close to Z; it throws light on the conduct of Z³ and Z⁵ as well.

V 561 canor] *codices* Magnus, calor (not *v*² as Magnus says) *v*,
ca(no *in ras m*²)r F

Since the *no* is written in by *v*¹ we can assume that Z¹ had both readings. The evidence of F inclines us to believe that the variant existed in Z². This being the case, it probably goes back to Z.

V 598 fontis] *codices* Magnus, fortis M, fortisⁿ¹ (vel ripae *sscr v*²) *v*

Here we have a good example of the Insular confusion of *n* and *r*. Z apparently first misread the Insular archetype, then rectified the error. Z¹ reproduces both error and correction; *v* copies Z¹ exactly.

V 662 doctos . . . cantus] F l h e g o p d, doctis . . . cantum
v M β N, doctus . . . cantos m β² n (Magnus incorrectly says
β¹)

This probably is an error in the archetype. The good Z⁴ reading was obtained from the non-Z source we have already mentioned and the existence of which we shall show below. In the absence of positive evidence as to the Z² reading, however, we cannot exclude the possibility that *doctis-cantum* is an error of Z¹, not shared by Z².

V 669 rident Emathides spernuntque minantia verba] Magnus
rident enipides spernuntque minacia verba *v*
ridentemque athides spernuntque minacia verba M
rident (empe *in ras n*)des spernuntque minantia verba N
empides
rident athides spernuntque minantia verba F e

Here *v* incorporates a Z¹ gloss on *emathides* into its text.¹ It however preserves the correct word division, i.e. does not agglutinate the *em* of *emathides* with the *rident*, as Z³ (but not Z⁵) did.

V 670 conantes loqui et magno] Magnus
conantisque oculis magno M β (Magnus cites M and β
incorrectly)

¹ This gloss can be traced back to Z, for it appears up in Z⁴, which no doubt derived it from Z *via* Z².

conataeque loqui et magno F
 conataeque loqui magno et l g
 conataeque loqui magno ν^2 h e

This reading is a proof of the influence of Z^4 on ν^2 , the twelfth century "corrector" of part of ν .

VI 34 relinquit] *codices*, reliquid ν (*corr.* ν^1 to reliquit), ⁿreliquid U
 (Magnus does not cite this reading of ν)

Here a Z^1 error is preserved in ν (and U).

VII 780 tollor eo] M e, tollor eum ν (Magnus incorrectly cites ν as reading *cum*), tollor in hunc N U F l h g d Magnus

In hunc would seem to be a gloss written over the true reading in Z, perhaps in the archetype as well. Z^1 contained both the gloss and the right reading. ν , confused by the supralinear *in hunc*, miscopies *eo* as *eum*.

VII 824 extemplo ficti] *codices*, exemplo facti M N ν

This reading once more connects ν by agreement in error with the odd Z side of the stemma.

VII 835 depulerant aurorae lumina noctem] d e h o p
 detulerant auroram lumina nocte M N U F (Magnus
 cites N incorrectly)
 detulerant auroram lumina noctem ν F²

In this passage ν preserves the good reading *noctem* later corrupted by both odd and even Z MSS., and preserved only in late Z^4 (apparently not in Z^2). This reading strengthens the case for ν being an early odd Z MS. Like π , ν is valuable because it is a faithful early representative of Z. The twelfth century corrections are in the Z^4 tradition, with all that that means. Hence great care must be taken in distinguishing ν itself (and by ν I mean any one of the contemporary scribes of that MS., who, from the point of view of the textual critic, are no more important than the various pens a single scribe may have used) from ν^2 , something which Magnus (who apparently had not seen ν himself) often fails to do.

By Z^3 we mean the immediate ancestor of M and β . The close con-

nection of these MSS. was shown by Magnus many years ago.¹ Since this is a matter beyond dispute we shall not take up space by citing examples. Confirmation of their relationship is given by Otis' independent work on the *Argumenta*.² The fact that they lack Book XV shows that M and N derive from a common source, i.e. Z¹. N contains eight more lines of Book XIV than M, but this is easily explained by supposing that Z⁵ (immediate ancestor of N and U) took a little more pains making out the final verses of Z¹ than did Z³. It is also possible that when Z⁵ saw Z¹ it was in better shape than it was when Z³ was working on it. The big hiatus in Book VIII 340-402, which whether we consider the marginal additions in M and N to be contemporary or not shows that the passage was out of place (if not missing) in Z³ and Z⁵ and hence in Z¹, confirms the descent of M and N from Z¹.

κ is close to Z³ although mixed with Z⁴; of μ the same thing may be said.³

Very possibly N shows conflation with Z⁴, e.g. I 27: fecit] α € M, legit F l x d e o p N U Heinsius. *Fecit* is the Y Z Z¹ Z² Z³ reading; *legit* (a tempting variant)⁴ first appears in Z⁴. Another example of this conflation may be found in I 206, omitted in ε and M. This line is not in Z² or Z³, hence probably not in Z¹, nor in Z. In the absence of α and λ we have no evidence as to Y and Y¹. Except for N and U we first find it in Z⁴.⁵ There is good reason to believe that both these MSS. are mixed with Z⁴.

¹ H. Magnus, "Studien sur Überlieferung und Kritik der Metamorphosen Ovids, II Der Archetypus," *Neue Jahrbücher*, LXIII (1893), 601-638.

² Otis, *op. cit.*, p. 140.

³ For κ and M and N see X 89-90, which M N and κ omit. U and all the Z⁴ MSS. have the passage. The lines are good; no editor has objected to them. They are echoed in Lactantius' commentary to Statius' *Thebais* (see Magnus, *ad loc.*). Assuming U to agree essentially with N, this passage is sufficient proof of its conflation with Z⁴. The conflation of κ with Z⁴ appears clearly in IX 777: sonitum comitesque facesque τ N U e l p, comitesque sonitum facesque d, sonitumque comitesque valesque F, sonitum comitesque facitas M, sonitum comitantia aera κ h m n Plan. Many Z⁴ MSS. reproduce the Z² reading. κ, however, shows in the first hand the reading *comitantia aera*, which is peculiar to Z⁴. Hence it must be mixed with that MS.

⁴ Cf. XII 43: Fama tenet summaque domum sibi legit in arce.

⁵ A glance at the *apparatus* of Magnus or Slater will confirm the conflation of N² and n with Z⁴; the possibility of Z⁴ influence on N we have just discussed.

N and U are closely related, e.g.:

II 465 *secedere*] *codices*, *decedere* N U

III 212 *Agre*] *codices*, *aple* N U (Slater overlooks this important reading of U).

For the influence of Z⁴ on U as contrasted with N see lines omitted in ϵ M N yet present in U,¹ i.e. I 477, 698, 742. Also the following cases:

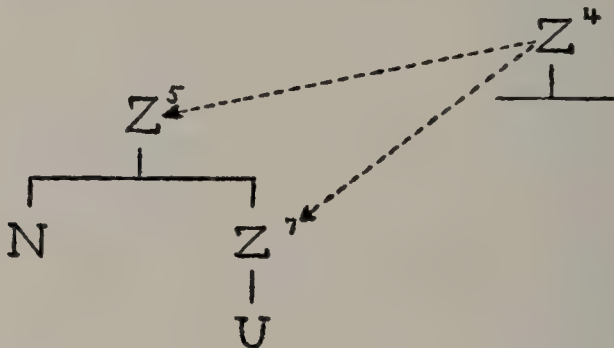
II 583 *egerat*] ϵ F l, *eserat* N, (*fix*)²*erat* M, *fixerat* d h l U

Here U has the Z⁴ alternate reading *fixerat*, which seems to be a gloss on *egerat*.

III 104 *ut presso*] M N, *upressa* ϵ , *impresso* F e, *inpresso* d l o p, *in presso* U

Here again U presents a bad reading first to be found in Z⁴.

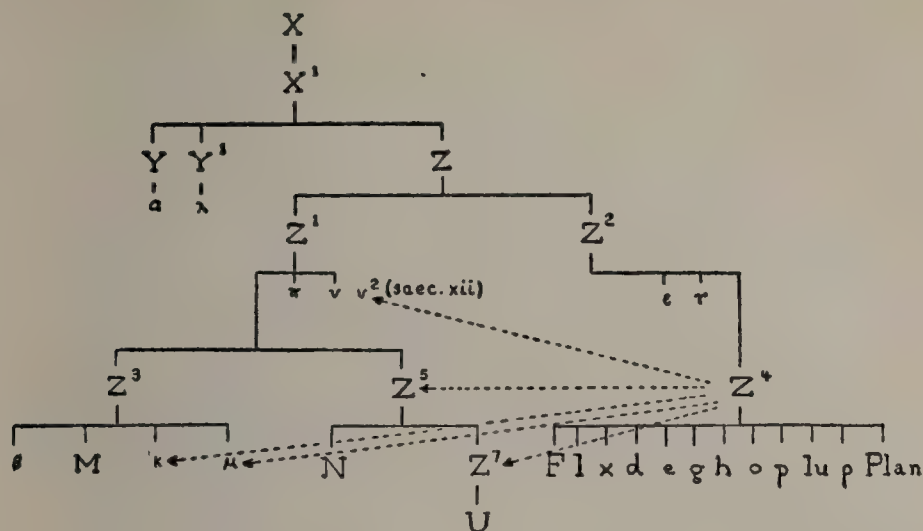
The relations of N and U may be diagrammed thus:



The influence of Z⁴ on Z⁵(or N) was not great; its influence on Z⁷(or U), however, was considerable.

We may summarize the points thus far set forth in the following stemma:

¹ By U we mean one of the two twelfth century hands which wrote most of the MS. as we have it today. U² means one of the thirteenth or fourteenth century hands that filled in parts where U lost leaves. U³ is a fifteenth century humanistic hand. U² is late Z⁴; U³ represents the vulgate of the fifteenth century.



Having now classified the odd Z groups in a necessarily summary fashion, we shall return to a consideration of Z⁴ and its descendants.

V

NON-Z² READINGS OF Z⁴

In part III we showed that Z⁴ descended from Z². It is, however, clear that Z⁴ in some instances contained good readings which we have every reason to believe were neither in Z² nor Z¹. In this case it may reasonably be assumed that the readings were not in Z, and unless the evidence of α or λ indicates they were in Y or Y¹ we cannot be certain they were in X¹.

Non-Z² Z⁴ readings do not correspond with readings peculiar to α except in III 29:

III 29 ac vimine densus] α h e g d N Priscian,¹ ac vimine (e a
culmine) densus x, a culmine denso ε, a culmine densus F, a
cumne densus l, a culmine densus β M U

¹ Priscian, VI 76.

Here Z^4 varies between the reading *ac vimine* of a and N (for evidence of conflation of N with Z^4 , however, see part IV) and *a culmine*, the reading of β M U and Z^2 .¹ I consider the *denso* of ϵ to be an independent error of that MS., and suppose Z^2 to have read *densus* as did Z . Reading *ac vimine* with Magnus we have a and Z^4 corresponding in a good reading, and one that was not in Z^2 , but no *proof* that a or any MS. closely related to a was the source whence Z^4 obtained the good reading. To establish this there would have to be examples of significant error appearing in a and Z^4 to the exclusion of the other MSS., and these are not to be found. It should, however, be remembered that the fact that these non- Z^2 readings of Z^4 are not, for the most part, to be found in Y or Y^1 , so far as we can tell from the fragments a and λ , does not prove they were not in X^1 . All we can say about the non- Z^2 Z^4 readings is that if they are neither interpolations nor scribal errors but good Ovidian readings they must have been derived from some MS. independent of the Z tradition that was, in all likelihood, neither Y nor Y^1 . Since it is a hazardous thing to assume a MS. quite independent of X^1 to which Z^4 had access, especially on such evidence as we have thus far produced, we shall tentatively consider these readings to have been derived from a MS. Y^2 , separate from Y , Y^1 , and Z , but stemming from the archetype.

We shall now examine readings found in certain or all of the Z^4 MSS., but which, judging from the evidence of ϵ and τ , were not in Z^2 . First we shall consider the good readings and then those which are incorporated glosses or, in some cases, apparently infelicitous attempts at emendation.

I 206 ϵ and M omit this line. In other words, the line is lacking in Z^2 and Z^3 , and therefore, in all probability, in Z^1 and Z as well. It *may* be in Y , but in the absence of any evidence as to the reading of Y or Y^1 in this passage we cannot be certain. If it is *not* in Y or Y^1 , then it is probably not in the archetype either. Yet Z^4 and Z^5 (which is mixed with Z^4) have it; there can be no doubt as to its genuineness.

¹ *ac vimine* may be the Z^1 reading here (evidence of N); furthermore *ac vimine* may have been in Z^2 as an interlinear or marginal variant, which ϵ did not happen to preserve.

I 338 iacentia] *codices*, latentia ε τ

Here Z⁴ avoids the error of its parent Z².

I 360 doleres] e x N U, dol(e ex o)res p, dol(e ex o m²)res M,
dol^eores d, dolores ε h g l o, dolorem f

I 477, 698, 742.¹ These lines are lacking in ε M N. With the exception of Z⁴, only the much-conflated U has them. They are surely good. We hold that Z⁴ recovered the lines from a MS. independent of the Z tradition.

I 389 datae] f e h l d o p N² U³ (N² and U³ *in ras*) x Heinsius,
deae ε M (and in all probability U and N) Magnus

The awkward reading *deae* seems to be due to the influence of line 381 *mota dea est sortemque dedit* etc. Since *deae* can be traced to Z² and to Z³ it presumably was the reading of Z. The good reading of Z⁴ *datae* was obtained by that MS. from a source unconnected with Z.

I 752 cedentem] F h e l g d x o p U, credentem ε, c/edentem M,
//edentem N

The Z reading was *credentem*; the good reading *cedentem* (again excepting the conflated U) first appears in Z⁴.

II 3 tenebat] F l g o p d Heinsius, tegebat α ε M N U h e lu
Magnus

tenebat is more elegant; it is also the *lectio difficilior*. *tegebat* was a gloss that had supplanted the good reading before Y and Z were written. (The evidence of α as to the reading of Y is most significant here.) The good *tenebat* was salvaged by Z⁴.

II 275 omniferos] F l o p d U h e lu Heinsius, omni(feros)² N,
ōmps ε, oppressos M Magnus

The Z⁴ *omniferos* is the more plausible reading, as Heinsius was aware.

II 378 credit] F l h e d p ρ U, tradit ε M N l²

¹ Discussion of the disputed longer passages to be found in Z⁴, but apparently not in Z, has been reserved for a forthcoming paper dealing with the problem of a Double Recension of the *Metamorphoses*.

There is no doubt that the Z reading was *tradit*; Z⁴ must be credited with the good *credit*.

II 506 *celeri*] e l h d m U, *pariter* ε M N F l² g p lu Magnus

The reading *pariter* is difficult. Heinsius emended to *parili*. Although *celeri* may be a Z⁴ gloss, it may also be the true Ovidian reading, obtained from a non-Z MS. by Z⁴.

II 503 *aventi*] e l h² U², *fugit* ε M N U e² o p lu h l²

fugit is certainly not right. It is probably a scribal mistake, for which *refugit* at the end of line 501 is responsible. The correct reading *aventi* first appears in Z⁴. Now in M N and U a space of two lines is left after line 503. Following this space M and U have the words *Callisto supradicta cum filio Arcade in sideribus a Iove translati sunt*, a part of the Lactantian *Argumenta*. In N, which regularly has the *Argumenta* in the margin, they are in a vignette in the left margin at this spot. ε, which does not contain the *Argumenta* in this portion of the poem, also leaves a space of two lines after *fugit*. The reading *fugit* makes a break in the story which justifies the insertion of part of the *Argumenta*; the good reading *aventi* permits of no such pause. Both the break and the reading *fugit* can be traced back to Z. It is not likely that Z differs from X¹ or indeed from the MS. that first incorporated the *Argumenta*¹ with regard to the points where the *Argumenta* were inserted. Consequently the reading of this pre-archetype MS. was probably *fugit*. There is reason to believe, therefore, that the MS. from which Z⁴ borrowed the good *aventi* represented a tradition different from, and often superior to, the MS. that first added the *Argumenta*, X¹, and all the MSS. of the Y and Z branches. Although this reading is not adequate proof that the good readings in Z⁴ which are not to be found in other MSS. of the Z family come from a MS. belonging to a tradition different from and often better than that of our archetype X¹, it nevertheless raises such a possibility.

II 821 *flectitur*] F l h e d U², *flectimus* ε N U, *flect(itur in ras m²)*
M, *flectimur* Heinsius

¹ Otis, *op. cit.*, p. 140 places this MS. in the fifth or sixth century.

II 867 palpanda] ¹ d e h l o p, plaudenda M N U F g Magnus,
plaudende ε

III 545 fontibus] x h m n, frondibus M N U ε e F l d g

IV 504 mixta] F N β M, ² tincta τ l e p U n

Although it could be argued that the correct reading *mixta* was not in Z² and hence obtained by Z⁴ from its non-Z MS., it seems more reasonable, in view of the evidence of Z¹ and offspring, to suppose that both readings were in Z and Z², although τ copied only *tincta*.

VI 664 semesaque] h² d g Heinsius, emersaque τ F M U h e l o,
inmersaque N Magnus

VIII 675 redolentia] ³ e h² U, olentia F l h, olencia τ, (v *add*
*m*²) olentia M, (red *add* n) olentia N, resonancia d, halantia *vel*
ridentia Heinsius

IX 767 omina] h² *in* mg N U, omina l, se somnia M, somnia
o p κ, omnia τ d e h

X 3 rogatur] e n d Heinsius, vocatur τ M N U F l g o p Magnus

X 19 si licet] g d p o N, s/ilicet M, scilicet τ U F

X 200 nisi si luisse] κ h, nisi luisse M, nisi silu(s *ex* i *m*²) se N,
nisi luisse τ, nis// ^ssiluisse F, nisi siluisse l U, (nisisil *in* ras *m*²)
uisse e

X 227 bidentes] F l h e d g p U e, bibentes τ, (b *ex* v *m*²) identes N,
bi(d *in* ras *m*²) entes M

X 315 maius] F l h e g p U N d, mius τ, minus M, ma(i *ex* n) us κ

XI 700 pereio] e μ κ U Heinsius, perii τ F h l Magnus, peri (i *in*
ras *m*²) N, ponti M

XII 124 a caute repulsa] F h p d, a caute revulsa τ M U e l, a
caute re(pul *in* ras *m*²) sa N

XIII 226 dimittere] F h e l g p U Heinsius, dimittite τ M N
Magnus

¹ Cf. Prudentius, *Peristephanon*, XI 91-93:

Vix haec ille; duo cogunt animalia freno
ignara insueto subdere colla iugo
non stabulis blandive *manu palpata* magistri . . .

² Cf. I 147: lurida terribiles miscent aconita novercae and X 160: abripit Iliaden
qui nunc quoque pocula miscit.

³ Cf. XV 80: eripitur nec mella thymi redolentia flore.

XIII 392 ferro] F h e g p u d n, ferrum τ U M N, ferr(um *ex o*) μ

XIII 482 quid dederit domus una cruoris] h e n U, quid dederit

domus una cruore^{is}m d, quem dederit domus una cruorem
 τ F g o p, quot dederit domus una cruores ¹ M μ

XIII 490 The second *lacrimas* in this line is left out by M N
 and τ

The slip is rectified by m and n and by the second hand in τ . The omission goes back to Z. Z⁴ restores the lost word with the aid of a non-Z MS.

XIII 682 Aoniis] h e, ioniiis τ M F l g U, iouiis N

XIII 713 lite] h e l g d N p, lite (*ex corr*) F, rite τ M U

XIII 928 sedula] h d F² n μ Priscian ² Heinsius, semine τ F N M e
 Magnus

It is significant that the reading peculiar to Z⁴ is attested by Priscian. Compare the reading of Priscian in III 29 (p. 113 above).

XIV 8 lapsus] ³ e n Heinsius, vectus τ M N U o p F l h g d
 Magnus

XIV 25 aptius] h d F², altius τ M N U F p o g l

XIV 44 carmina] e g p o N U, gramina τ M d h n

XIV 233 inde Lami veterem Laestrygonis inquit in urbem] e d U
 inde lami veteris (letam g, leti τ , latam h, leti F p) cog-
 noscimus urbem g F h P

inde (lamii *in ras ex corr m*²) veter(e *ex i*²)m lestrigonis
 inquit (in *in ras m*²) urbem N

inde imas veterum laetam cognoscimus urbem M

inde lami veteris letam lestrigonis urbem μ

vacat et in iani veterem lestrigonis inquit in urbem
in mg μ ²

et in iani veterem leti cognoscimus urbem *in mg inf* μ ³

The correct reading for this passage, which was apparently corrupt in Z, was first obtained by Z⁴. Z¹ and Z², as well as M, attempt to emend independently.

¹ The close relationship between M and μ is apparent in this passage.

² Priscian, VI 57.

³ Cf. Virgil, *Aen.* VIII 91: *labitur uncta vadis abies; mirantur et undae.*

XIV 571 deponendique pudore] l e g p d N U, deponendique
pudorem h, deponendique dolore F, deponendique dolore ^{pudore} τ,
deponendique dolorem M

XIV 572 gerunt] e o p μ N U, petunt τ F h g M

XIV 733 ornatos] e g μ, laudatos N, laudatos τ M, (ornatos ^{ornatos} *in*
ras) F

XIV 749 plangoris] e d p N, clangoris τ h g M U

XV 238 vices] e h, vias τ F

XV 272 exsiccata] e h g, excaecata τ F

XV 275 in arvis] e h U, in agris F² p, in argis τ F, in undis Seneca ¹

XV 280 suppressis] h e U, suppressus F g, cumpressus τ

XV 464 guttura] F² e U, corpora F h g τ

XV 464 cultro] h g U, ferro τ e p

XV 475 illudite] h e U Heinsius, includite τ F g Magnus

XV 667 conveniunt] e n, perveniunt τ F h g p

In the cases listed above we find good readings appearing in Z⁴ which were neither in its parent Z², nor, in the great majority of cases, in any MS. of the Z family save those conflated with Z⁴. This state of affairs can be explained only by supposing that Z⁴ consulted a MS. independent of the Z tradition. The reading *aventi* (II 503, discussed p. 118) raises the possibility that this source represents a tradition different from that which had been formed in the fifth or sixth century, when the Lactantian *Argumenta* were joined to the text of the poem. We cannot identify it with Y, the parent of α, or with Y¹, the parent of λ. This MS. may represent a tradition separate from that of X¹; it however seems more probable that it is an independent descendant of X¹; we shall refer to it as Y².

In a number of instances Z⁴ contains readings not in Z² when the reading in Z² is clearly correct. These may be explained as 1) Z⁴ glosses, i.e. medieval, 2) glosses found by Z⁴ in Y², 3) Z² glosses not reproduced in ε or τ, 4) (in cases where the reading is to be found in a single Z⁴ *codex*) medieval glosses taken into the text by the scribe of the MS.

¹ Seneca, *Naturales Quaestiones*, III 26: . . . sic modo combibitur. tacito modo . . . Erasinus in undis.

in question. We give below the more significant bad readings peculiar to Z⁴:

- I 27 fecit] $\alpha \in$ M, legit F l x d e h o p N U Heinsius
 I 320 metuentior] $\epsilon \tau$ f l g o p d M N U, reverentior e h
 I 340 receptus] $\epsilon \tau$ M, recessus f h e l g d x o p N U

The reading *recessus* is unquestionably a gloss on the somewhat rare *receptus*, used in the idiomatic sense of *canere receptus*.

- I 348 inanem] $\epsilon \tau$ M N U F h g d x o p, apertum e l
 II 179 patentis] ϵ , patentes π M g, iacentes F l o p d N h e l u U
 Heinsius

As the evidence of the Z¹ π and the Z² ϵ shows us, Z read *patentes* (or *patentis*). Perhaps, however, we should read *iacentes* with Z⁴ and the discriminating Heinsius.

- II 284 oculis tantum tantum] ϵ U, oculis (fumum *in ras m*²)
 tantum M, oculis fumum tantum h, oculis fumum tantum// F,
 oculis fumum tantum est d g, oculis (fumum volvant *in ras n*)
 N, oculis tantum volitant e, oculis (volitant *in ras l*²) (est *eras*) l

The *fumum* is either a Z⁴ or a Y² gloss. *volvant* and *volitant* would seem to be attempts at emendation by the scribe of Z⁴.

- II 476 adversam] ϵ , aversam M F l, arrectam *in mg l*², aversa
 g N, adversa U, arreptam e h d p n
 II 583 egerat] ϵ F p, eserat N, (fix *in ras m*²)erat M, fixerat
 h e d l U
 II 681 silvestre sinistrae] Magnus, silvestre sinistre ϵ M, sil-
 vestris olivae F l d h e g o p m n U

Olivae is certainly a gloss that Z⁴ incorporates into its text. The Z⁴ MSS. (and the conflated U) show entire unanimity in this instance.

- II 792 papavera] ϵ M N F l g o p d, cacumina d² e
 III 104 ut presso] M N, upressa ϵ , impresso F e, inpresso
 d l o p, in presso U
 III 366 delusa] M N U f l d x g o p, del(u ex o)sa ϵ , decepta e h
 VI 675 ante diem] τ F M N U, et luctus e d g l o p U²
 X 98 tinus] Magnus, pinus $\tau \kappa$ M F l, ficus e g d U, cinus U³ *in mg*

- XIII 19 temptaminis] τ M F h, ^{certaminis} temptaminis μ , certaminis
d l e p n U
XIII 55 comitavit] τ M κ , comitatur F l d e g o p U N
XIII 436 demisit] h l N, dimisit τ F M, defigit d e g n U
XIV 431 tenues] τ F M h g, teneras e d n U Magnus
XV 627 squalabant] τ d e g o p U, (sq *ex corr*) ualebant F, palle-
bant h x

The above list is not exhaustive. Mechanical errors have been excluded; cases, moreover, where an alternative reading seemed in all probability to go back to Z² and Z have not been cited. What we have tried to bring out is that while there is much good non-Z² material in Z⁴, there is also a certain amount of trash. Distinguishing these is the task of the higher critic.

VI

CONCLUSION

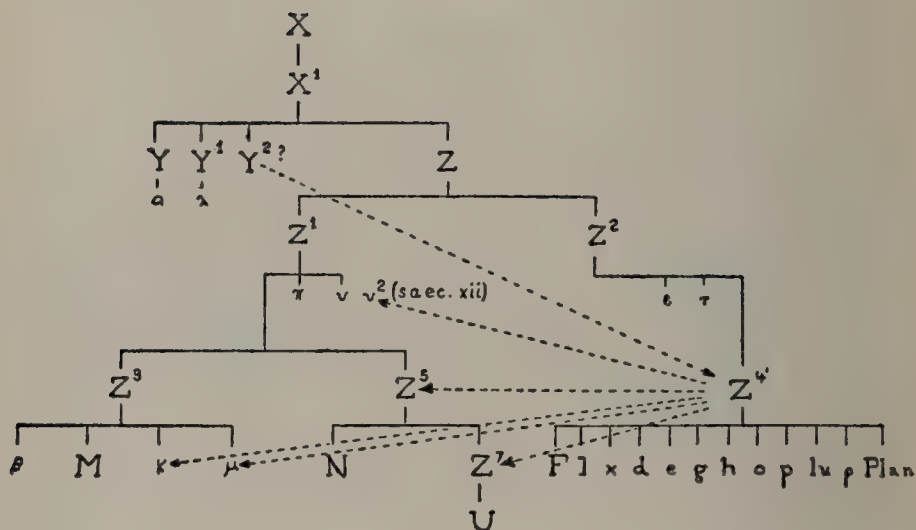
The discussion of a number of crucial passages where the Z⁴ tradition plays an important part (e.g. I 544-550; VIII 596-610; VIII 693-699) has been reserved for the study dealing with the problem of a Double Recension of the *Metamorphoses* that we have already mentioned. It has seemed desirable first to establish the position and value of the Z⁴ MSS. without recourse to these passages, so that the evidence of Z⁴ could be used in the treatment thereof without risk of question-begging.

The value of the Z⁴ MSS. in constituting the text of the poem is very great. In the first place, especially when Z² evidence is wanting, they help determine the reading of Z; again, they contain much matter from some MS. outside of the Z tradition, whether an independent descendant of the archetype, or from some good and ancient source other than X¹.

Subdivision of the Z⁴ MSS. into families has thus far proved impossible. It is hoped that as new and full collations of the known Z⁴ MSS. are made and new MSS. of this family discovered and examined, it will become possible to clarify the relationship of the MSS. of this important family.

The utility of a classification of the MSS., based on the recognized principle of agreement in error, in establishing a critical text of the *Metamorphoses* need not be stressed. Furthermore, the demonstration of the value of much of the material contained in Z⁴ will enable us to accept, as once they were accepted by Heinsius, many readings which modern editors, led astray by a mistaken conception of the relations of the MSS., have banished from Ovid's poem.

STEMMA



SUMMARIES OF DISSERTATIONS FOR THE DEGREE OF PH.D., 1938-1939

ARTHUR FREDERICK STOCKER, *De Novo Codicum Servianorum Genere.*

THE purpose of this dissertation is to show the existence and character of a new and important family (σ) of manuscripts of the shorter (S) form of the commentary of Servius on Virgil, represented by codex Vaticanus 3317 (*V*, saec. X ex.), codex Vindobonensis 27, now in Naples (*N*, saec. X in.), and codex Guelferbytanus 2091 (*W*, saec. XIII ex.).

For my study, I have used the photostats of these and other manuscripts that have been assembled in the Harvard University Library by Professor E. K. Rand and three of his former students, Messrs. J. J. H. Savage, H. T. Smith, and G. B. Waldrop, for use in the preparation of their forthcoming new edition of Servius. To these Harvard editors I am indebted also for the sigla by which I have designated the various manuscripts and the classes into which they fall.

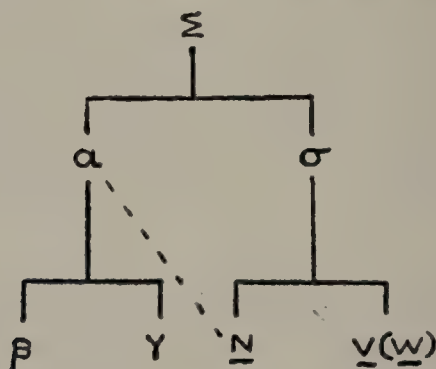
Because of the peculiar nature of some of the problems involved, centering about the presence of codex Cassellanus bibl. publ. ms. poet. fol. 6 (*C*, saec. IX) in its role as principal authority for the text of the longer (DS) form of the commentary, and because I have felt that consideration of the text for the remaining books can better await the arrival of a more advanced stage in the preparation of the later volumes of the new Harvard edition, I have for the most part confined my study to the text for *Aeneid* I-II.

Thilo¹ distinguishes two classes of manuscripts of the shorter commentary, those designated β and γ by the Harvard editors. I have shown that the new family is independent of both, correlative in authority with their common archetype (*a*), and, despite certain resemblances, free from the suspicion of contamination with the manuscripts of the longer commentary (v. diagram, p. 124).

The first notice paid any of these manuscripts was by H. Albert

¹ Georg Thilo, *Servii Grammatici Qui Feruntur in Vergilii Carmina Commentarii*, praefatio, Vol. I, Leipzig, 1880, pp. LXXXV-LXXXVII.

Lion, who in the year 1826 edited the Servian commentaries “ad fidem codicum Guelferbytanorum (2091 and 2546) aliorumque.”¹ Because of coincidences between the Guelferbytani and certain manifestly interpolated manuscripts of Renaissance date, they were lightly esteemed by subsequent students of Servius, notably by Thomas²



and Thilo³; nor does Lion himself seem to have grasped their importance.

In 1932, J. J. H. Savage, making his study of the manuscripts of the commentary of Servius Danielis on Virgil,⁴ into which category it falls as a witness to the text of the *Georgics*, pointed out that *V* fills the lacuna at the end of the Servian life of Virgil that had been supposed to exist in all but the interpolated Italian manuscripts. Two years later, G. B. Waldrop, in his study of the relationship of certain manuscripts of Servius,⁵ assigned *V* a position independent of the archetype of all the others.

Of the commentary on the *Aeneid*, *V* preserves only the notes on the first thirty-five lines. I have shown, however, by a careful study of its

¹ *Commentarii in Virgilium Serviani, sive Commentarii in Virgilium qui Mauro Servio Honorato Tribuuntur*, Göttingen, 1826.

² Émile Thomas, *Essai sur Servius et son Commentaire sur Virgile*, Paris, 1879, p. 4.

³ *op. laud.*, p. XCI.

⁴ "The Manuscripts of the Commentary of Servius Danielis on Vergil," *Harvard Studies in Classical Philology*, XLIII (1932), 83.

⁵ "Evidences of Relationship in Certain MSS of Servius," *Harvard Studies in Classical Philology*, XLV (1934), 212.

text, that *W*, rescued by the acute observation of E. K. Rand ¹ from the limbo into which the strictures of Thomas ² and others had cast it, is, like *V*, independent of archetype *a*, and not infrequently preserves readings superior to those transmitted by it; moreover, that in the limited portion of text for which *V* is extant it is certainly a direct copy of *V*, and that it was in all probability copied before the loss of *V*'s later quaternions. Consequently, *W* carries with it the weight of a tenth century manuscript rather than of a thirteenth.

N, the earliest of the three manuscripts to which we look for σ text, is clearly of that class, but it has undergone contamination with a γ text that makes it a not altogether reliable witness. Notably, it is found to share numerous errors with codex Parisinus Bibl. Nat. Lat. 16236. It is of value, however, in confirming the antiquity of certain readings in *W* that might otherwise be thought peculiar either to itself or to its immediate ancestors.

The text of σ is basically sound. It had, however, suffered a certain amount of interpolation certainly before the first quarter of the tenth century, and perhaps much earlier. The interpolated material consists chiefly in (a) glosses; (b) expanded citations of Virgil; (c) additional citations illustrative of points made by Servius, drawn from Virgil and other authors — less varied, however, than those of undisputed authenticity, and none from "lost" works; and (d) additional notes on Virgilian text, chiefly in the form of *quaestiones*, introduced by some interrogative word such as *quomodo*, and answered by *solvitur* or *solvitur sic*. These last, especially, appear originally to have been marginal, and subsequently to have been loosely incorporated within the framework of the text.

There is no considerable evidence to show that the interpolator likewise revised those portions of the *textus receptus* which he left unexpanded. Consequently, variant readings found only in the σ manuscripts are entitled to the same respect as those found only in *a*, whereas additional material must be weighed with a great deal of caution.

Manuscripts of the σ class lie clearly at the root of the fifteenth

¹ "Une Nouvelle Édition de Servius," *Comptes Rendus de l'Académie des Inscriptions et Belles Lettres*, 1938, p. 322.

² *op. laud.*, p. 4.

century Italian text found in manuscripts of that date and in most of the early editions. This text has suffered still further interpolation. But it seems to merit further examination, which I hope shortly to give it, in the light of what we now know about its basic text. It appears to be the work of some one of the important Humanists of the Renaissance.

EMELINE HURD HILL, *Etruscan Small Bronzes of the Archaic Period*

The small bronzes made in Etruria during the Archaic period,—that is, roughly, between 650 and 450 B.C.—were of two kinds, decorative and votive. The votive bronzes were more peculiarly Etruscan than the decorative bronzes, which were modelled more closely after foreign prototypes. Yet votive bronzes were also affected by foreign fashions.

The earliest small bronzes, those made during the seventh century, often exhibit Oriental types and attitudes; the style of the early votive bronzes is generally Oriental, while that of the decorative bronzes is Italic. Toward the end of the seventh century, the "Oriental" and "Italic" types coalesce to form a basic "Etruscan" style which is hereafter influenced by successive Greek styles. Thus the Brolio bronzes, which are decorative, and the earlier *Schurzkouroi*, which are votive, are affected by the Daedalic schools of Greece; kouroi and korai of the mid-sixth century reflect the rounded, static style of the same period in Ionia, and figures made at the end of the sixth and in the early fifth centuries imitate types and fashions made popular throughout Greece by the later Ionian and, specifically, the Island schools of sculpture. Some of the later "Ionian" figures are almost as "Athenian" as "Ionian," which is not surprising, in view of the history of Athenian sculpture. Finally, late archaic votive bronzes show the influence of the Argive school, or the Aeginetan. That is, in general, those schools which dominated art in Greece at a particular period also dominated the styles of Etruria at that period.

The art of all Etruria was not absolutely uniform at any one time—it varied in the same manner as the art of the different Greek centers varied, though to a lesser degree. And just as one Greek school affected another, so one Etruscan workshop was imitated by its

neighbors. But since Greece was the ultimate inspiration of all the Etruscan workshops, these local differences and influences are not too clear-cut.

Greek importations were the models for the Etruscan craftsmen; and since the importations from Greece were luxuries, that is, decorative objects such as vases and small bronzes, it is the decorative art of Greece that is most closely imitated by the Etruscans, and Etruscan decorative bronzes that are most like the Greek work in style. Further, it is through the medium of decorative objects — whether Greek or Etruscan — that Etruscan votive bronzes attained some of their characteristics.

Only a few votive types are exceptions to this rule, excluding the earliest votive figures which stand in Oriental hieratic attitudes. The frontal kouroi of Etruria, and the korai that lift their skirts with one hand, are based on Greek votive types; but the kouroi that swing their arms, the striding korai, and the costume of the common votive warriors, are all apparently taken from decorative objects.

The Etruscans displayed an un-Greek taste in their adaptations; the warriors and korai that were transformed from ephebes and maenads to votive figures were given a hieratic elongation which marks them off sharply from the decorative figures on candlesticks and the like. The decorative figures were meant to represent normal human beings, normally occupied; the votive figures, whether they represent worshippers or some divinity itself, are marked off from reality and given something awe-inspiring by their distortions. That this effect was intentional is proved by the fact that decorative bronzes are never distorted, while votive bronzes frequently are. The tendency to distort votive bronzes is especially evident during and after the second quarter of the fifth century, when the warriors and striding korai were first made, but it existed always in Etruria; even during the "Ionian" period, when Etruscan votive statues were most realistic, there were some manufactured with this elongation.

In short, Etruscan bronzes exhibit the adaptation of certain Greek types and formulae, for the tastes and purposes of an un-Greek people. The success with which the Etruscans imitated Greek styles for decorative purposes, and altered them for religious purposes, speaks very well both for their technical skill and for their good taste.

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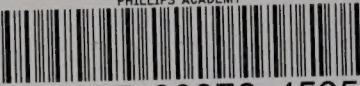
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